

TSTF Comments on NRC Operating Experience Smart Sample (OpESS) 2012/02, "Technical Specification Interpretation and Operability Determination"

On January 6, 2012, the NRC issued OpESS 2012/02, "Technical Specification Interpretation and Operability Determination." The TSTF reviewed the document and has the following concerns.

General Comment

The TSTF noted the following statements in the OpESS:

"Recent examples from inspection findings have revealed instances where licensees have declared (or justified) continued operability of safety-related systems and components based on inappropriate assumptions, use of inappropriate compensatory measures, and incorrect interpretation of LCOs. The number of instances where staff from the Technical Specifications Branch, NRR, have supported Headquarters and Regional staff with TS interpretations and License Amendment Requests (LARs) appears (qualitatively) to have increased in recent years.

A recent review of inspection experience and LARs identified numerous instances where licensees have improperly applied their TS. Collectively, this experience suggests that an increasing number of licensees may be taking a non-conservative approach to interpreting their TS or when evaluating degraded or non-conforming conditions."

The TSTF believes that the possibility that there are an increasing number of licensees taking a non-conservative approach to utilizing their Technical Specifications or performing Operability determinations is a very serious matter. The TSTF will work with the PWROG Licensing Subcommittee and BWROG Licensing Committee to investigate this concern and, if verified, to take actions to assist licensees in appropriately implementing their Technical Specifications, such as training and industry guidance documents.

The TSTF has submitted several Travelers that are currently under NRC staff review with the goal of ensuring consistent and conservative application of the Technical Specifications. They are:

TSTF-529, Revision 0, "Clarify Use and Application Rules";

TSTF-530, Revision 0, "Clarify SR 3.0.3 to be Consistent with Generic Letter 87-09";
and

TSTF-534, Revision 0, "Clarify Application of Pressure Boundary Leakage Definition."

The TSTF will keep the NRC informed of our actions on this matter at our quarterly TSTF/NRC meetings.

Specific Comments

The TSTF has specific comments regarding statements in the OpESS that we believe could lead a NRC inspector to misconstrue the requirements of the Technical Specifications or the Operability Determination Process. Note that these comments do

not undermine the TSTF's intent to investigate and address the NRC's overarching concern regarding the proper application of Technical Specifications and Operability Determinations.

1. As a general comment, we believe that providing references in the OpESS to the applicable Technical Specification, Bases, or Operability Determination guidance would significantly improve the document.
2. Declaring Components Inoperable

In Section 03.02, "Operability Determinations," the OpESS refers to the NRC Inspection Manual Part 9900 guidance, "Operability Determinations & Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety" and the Standard Technical Specifications. The implication is that the discussion in the section is taken from those two documents, but that it not the case. The document states:

"A licensee may not intentionally declare a required SSC inoperable if it is capable of performing its specified safety function for the purpose of increasing the Completion Time of a TS-required SSC. Intentional entry into any action statement shall not be made for operational convenience."

We could not discovery a basis for this statements in the Standard Technical Specifications or the Part 9900 guidance. We believe the paragraph is misleading.

- Licensees routinely declare SSCs that are capable of performing their specified safety function inoperable to perform maintenance.
- Licensees routinely remove a set of related components from service for maintenance at the same time (the work week concept) for efficiency, to facilitate system tagging, and to enhance personnel safety. The staff opinion could be interpreted by an inspector as preventing this practice if it resulted in a longer Completion Time for one of the SSCs by utilizing LCO 3.0.6.
- The staff opinion requires an interpretation licensee intent "for the purpose of increasing the Completion Time of a TS-required SSC" which is open to interpretation.

The OpESS states,

"Intentional entry into any action statement shall not be made for operational convenience."

This is a partial quote from the LCO 3.0.2 Bases and, taken out of context, may be misleading to an inspector since the term "operational convenience" is undefined in the Technical Specifications or any NRC guidance documents. The full quote is:

"The Completion Times of the Required Actions are also applicable when a system or component is removed from service intentionally. The reasons for intentionally relying on the ACTIONS include, but are not limited to, performance

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of Surveillances, preventive maintenance, corrective maintenance, or investigation of operational problems. Entering ACTIONS for these reasons must be done in a manner that does not compromise safety. Intentional entry into ACTIONS should not be made for operational convenience. Additionally, if intentional entry into ACTIONS would result in redundant equipment being inoperable, alternatives should be used instead. Doing so limits the time both subsystems/trains of a safety function are inoperable and limits the time conditions exist which may result in LCO 3.0.3 being entered."

The TSTF recommends that this paragraph, the last bullet in Section 3.2, be deleted.

Section 03.02 of the OpESS states:

"If an SSC is declared inoperable then its LCO is not met and licensees must enter all Required Actions of the associated TS Conditions." (emphasis added)

This is a partial quote from LCO 3.0.2 which has resulted in confusion by inspectors. The correct quote from LCO 3.0.2 is:

"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."

The OpESS statement has resulted in an NRC inspector questioning whether all Required Actions of a Condition (even those joined by an "OR" logical connector) must be followed. The TSTF recommends that the sentence be revised to state:

"If an SSC is declared inoperable then its LCO is not met and licensees must enter the associated Conditions and follow the Required Actions per LCO 3.0.2."

3. Use of Manual Action

Section 04.01 discusses the use of manual action versus automatic action for Technical Specification functions. Paragraph b.1 states,

"Operability determinations are generally not expected to be successful in cases where credit is taken for manual action in place of automatic action(s)."

The Part 9900 Operability Guidance contains an extended discussion of the use of manual actions in lieu of automatic actions in Appendix C.5. The third paragraph of Appendix C.5 describes the characteristics of an Operability evaluation of substituting manual action for automatic action.

The statement in the OpESS is prejudicial and uninformative. The TSTF recommends that the OpESS be revised to reference Appendix C.5.

4. Missed Surveillances

Section 04.01 discusses missed Surveillances. It states:

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"Ensure the licensee entered all applicable Required Actions immediately, based on plant conditions, regardless of whether the periodicity of the TS surveillance interval had expired or not. Time of Discovery for a failed surveillance should be determined from the surveillance test unless there is clear evidence showing otherwise. Only operability determinations from missed surveillances may have a delayed Time of Discovery as allowed by SR 3.0.3."

This paragraph is contrary to the Technical Specification requirements.

The first sentence states:

"Ensure the licensee entered all applicable Required Actions immediately, based on plant conditions, regardless of whether the periodicity of the TS surveillance interval had expired or not."

This statement is incorrect, as described below.

- SR 3.0.2 states, "The specified Frequency for each SR is met if the Surveillance is performed within 1.25 times the interval specified in the Frequency, as measured from the previous performance or as measured from the time a specified condition of the Frequency is met." Therefore, if the periodicity of the TS surveillance interval had not expired, the Surveillance is not missed and there is no requirement to enter the Required Actions.
- SR 3.0.3 states, "If it is discovered that a Surveillance was not performed within its specified 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 Frequency, whichever is greater. This delay period is permitted to allow performance of the Surveillance." Even if the SR was missed there is no requirement to enter the Required Actions.

The second sentence states:

"Time of Discovery for a failed surveillance should be determined from the surveillance test unless there is clear evidence showing otherwise."

This statement is incorrect and confuses the Technical Specifications concept of "Time of Discovery" with reportability criteria, which has been a long standing point of confusion. If a Surveillance is failed (e.g., the acceptance criteria are not met or the Surveillance is not performed within the specified Frequency), SR 3.0.2 states that the LCO must be declared not met. That is the "Time of Discovery" as used in the Technical Specifications.

- LCO 3.0.2 states, "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."

The Part 9900 guidance, Section 4.8, "Operator Awareness and Responsibilities," states:

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"A senior licensed operator on the operating shift crew with responsibility for plant operations makes the declaration of operability, i.e., 'makes the call' on whether an SSC described in TSs is operable or inoperable."

The Part 9900 guidance in conjunction with the LCO 3.0.2 Bases make clear that discovery is when a senior licensed operator on the operating shift crew with responsibility for plant operations declares an LCO not met. In the case of a missed Surveillance, discovery is when a senior licensed operator determines that the SR was not performed within its specified Frequency. That is the starting point for Completion Times.

- Reportability considers when the testing should have been performed when evaluating the safety significance of the error. Note that the OpESS wording was taken from NUREG-1022, Revision 2, "Event Reporting Guidelines,":

"For the purpose of evaluating the reportability of a discrepancy found during surveillance testing that is required by the technical specifications:

(1) For testing that is conducted within the required time (i.e., the surveillance interval plus any allowed extension), it should be assumed that the discrepancy occurred at the time of its discovery unless there is firm evidence, based on a review of relevant information such as the equipment history and the cause of failure, to indicate that the discrepancy existed previously.

(2) For testing that is conducted later than the required time, it should be assumed that the discrepancy occurred at the time the testing was required unless there is firm evidence to indicate that it occurred at a different time."

The third sentence states:

"Only operability determinations from missed surveillances may have a delayed Time of Discovery as allowed by SR 3.0.3."

The intent of this sentence is unclear and it is confusing. SR 3.0.3 does not reference Operability Determinations or Time of Discovery, so no such allowance exists. SR 3.0.3 explicitly allows delaying declaring a system inoperable as a result of a missed Surveillance.

The TSTF recommends that paragraph c.1 be deleted.