

August 9, 2012

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Jennifer L. Uhle, Chairman */RA/ J. L. Uhle*
Committee to Review Generic Requirements

SUBJECT: COMMITTEE TO REVIEW GENERIC REQUIREMENTS:
MINUTES OF MEETING NUMBER 433

On July 18, 2012, the Committee to Review Generic Requirements (CRGR) held Meeting Number 433 from 1:00 p.m. – 2:30 p.m. (the list of attendees is enclosed). The purpose of the meeting was to discuss the proposed issuance of Regulatory Issue Summary (RIS) 2012-XX, “NRC Staff Position on Applying Surveillance Requirements 3.0.2 and 3.0.3 to Administrative Controls Program Tests,” (Agencywide Documents Access and Management System [ADAMS] Accession No. ML12079A393). The slide presentation is located in ADAMS Accession No. ML12201B537. The supporting documents—Enforcement Guidance Memorandum (EGM) 2012 001 (ADAMS Accession No. ML11258A243) and the TIA (ADAMS Accession No. ML1011001010)—were also discussed.

This briefing was held at the request of the CRGR to enable the staff to provide more clarity to the CRGR members and to present an opportunity for the CRGR to ask questions. Carl S. Schulten, with the support of Robert B. Elliott, and William H. Ruland—all from the Office of Nuclear Reactor Regulation—provided a briefing to the CRGR on the background and purpose for issuing the RIS and addressed the CRGR questions.

The staff reiterated that the purpose of issuing the RIS is to inform addressees that an EGM has been issued for Section 5.0, “Administrative Controls,” and Technical Specification (TS) 5.5, “Programs and Manuals,” testing requirements that make available surveillance requirement (SR) 3.0.2 or SR 3.0.3, or both. The impetus for the RIS (and the EGM) was the Task Interface Agreement 2010-001, “Evaluation of Application of Technical Specification SR 3.0.3, ‘Surveillance Requirement Applicability,’ review at Clinton Power Station” (Accession Number ML101100101). This Task Interface Agreement 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.

The information provided in EGM 2012-001 discusses interim actions the NRC staff finds acceptable for addressees to use to ensure proper application of plant-specific TS program requirements and the regulations under 10 CFR 50.55a(f). The consequence of 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. To ensure proper application of TS requirements and to establish a

basis for continued operation of nuclear power plants, the EGM guidance states that, as the need arises, addressees may apply SR 3.0.2 and SR 3.0.3 to TS 5.5 program testing in accordance with EGM 2012 001 and the processes described in RIS 2005-20, Revision 1, "Operability Determinations and Functionality Assessment for Resolution of Degraded and Nonconforming Conditions Adverse to Quality or Safety."

The CRGR did not identify any backfit issues in the RIS as written. However, the CRGR did identify a backfit concern with the EGM expiration date, which limits the staff's enforcement discretion to 3 years or until the disposition of licensee's amendment request. The CRGR believed that a backfit issue would exist if the 3-year exemption expired without the licensee having modified their license to adopt the revised standard technical specifications language. The concern is that the staff would have to cite the licensee for a TS violation (which in fact would be a backfit) if they are still applying SR 3.0.2 and SR 3.0.3 to TS 5.5 for tests that are not associated with a TS SR after the EGM expiration date.

The staff agreed with the CRGR that the text creating the 3 year limit on enforcement discretion located on page 4 in the EGM, "or 3 years from the issuance of the NOA applicable to a licensee's reactor type, whichever is sooner," should be removed because of backfit implications. The staff commented on the fact that the 3 year clock does not start until a solution has been made available for adoption by licensees through the TSTF process. Licensees will likely submit their license amendments soon after the solution is available, and it is likely that all the amendments will be processed before the 3 year clock runs out.

On an administrative note, due to the potential backfit identified in the EGM, the CRGR is considering the possibility of including EGMs as an additional generic communication that may contain backfitting and should therefore receive CRGR attention. The CRGR plans to discuss this issue in the near future and to determine what interim steps to take until the CRGR charter can be revised to reflect this addition (if necessary).

Enclosure:
As stated

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ADAMS Accession No.: ML122060079

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CRGR MEETING No. 433
LIST OF ATTENDEES
(July 18, 2012)

CRGR Members

Jennifer L. Uhle, Chairman
Marc L. Dapas, NSIR (Unavailable)
Patrick L. Hiland for Daniel H. Dorman, NRR
Scott W. Moore, NMSS
Gary M. Holahan, NRO
Steven K. West, FSME
James P. Biggins, OGC
David C. Lew, RI, for Cynthia D. Pederson, RIII

Les R. Cupidon, CRGR Staff

NRR

William H. Ruland, NRR/DSS
Robert B. Elliott, NRR/DSS/STSB
Carl S. Schulten, NRR/DSS/STSB
Andrea P. Russell, NRR/DPR/PGCB
Jeffrey A. Whited, NRR/DORL/LPL1-2
Ravinder P. Grover, NRR/DSS/STSB
Carmen M. Franklin, NRR/DRA/AHPB

Enclosure