

October 12, 2012

Technical Specifications Task Force (TSTF)
11921 Rockville Pike, Suite 100
Rockville, MD 20852

SUBJECT: NON-ACCEPTANCE OF TRAVELER TSTF-530, REVISION 0, "CLARIFY SR
3.0.3 TO BE CONSISTENT WITH GENERIC LETTER 87-09"
(TAC NOS. ME7142 AND ME7143)

Dear Members of the TSTF:

By letter dated September 16, 2011 (Agencywide Documents Access and Management System Accession No. ML112620602), you submitted to the U.S. Nuclear Regulatory Commission (NRC) for review and approval Traveler TSTF-530, Revision 0, "Clarify SR [surveillance requirement] 3.0.3 to be Consistent with Generic Letter 87-09."

The purpose of this letter is to provide the results of the NRC staff's acceptance review of this TSTF Traveler. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies.

The NRC staff has reviewed your submittal and concluded that it is insufficient to begin our review. The enclosure provides the basis for this conclusion as it pertains to the Technical Specification changes requested.

Section 170.21 of Title 10 of the *Code of Federal Regulations* (10 CFR) requires that Travelers are subject to fees based on the full cost of the review. You did not request a fee waiver; therefore, NRC staff hours will be billed accordingly.

TSTF

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If you have any questions, please contact me at (301) 415-1774 or via e-mail to Michelle.Honcharik@nrc.gov.

Sincerely,

/RA/

Michelle C. Honcharik, Sr. Project Manager
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Project No. 753

Enclosure:
As stated

cc w/encl: See next page

TSTF

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NRR-106

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NRC Staff Comments Regarding TSTF-530

By letter dated September 16, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML112620602), the Technical Specifications Task Force (TSTF) submitted to the U.S. Nuclear Regulatory Commission (NRC) for review and approval Traveler TSTF-530, Revision 0, "Clarify SR [surveillance requirement] 3.0.3 to be Consistent with Generic Letter [GL] 87-09."

On October 14, 2008, the TSTF submitted Traveler TSTF-512, Revision 0, "Revise SR 3.0.3 to Address SRs that Cannot be Performed or are Not Met," to the NRC staff for review (ADAMS Accession No. ML090230254). Traveler TSTF-512 proposed to add the following two new compliance exceptions to the requirements of SR 3.0.1 beyond the allowance that already exists for surveillance test intervals that are inadvertently exceeded.

- The SR 3.0.3(b) exception to SR 3.0.1 would apply when a licensee discovers it will not be possible to perform a surveillance within its specified frequency due to conditions that prohibit the performance of the surveillance but do not render the surveillance not met (emphasis added).
- The SR 3.0.3(c) exception to SR 3.0.1 would apply when a licensee discovers that a Surveillance is not or will not be met and the licensee is able to document that the associated LCO [limiting condition for operation] will still be met.

The proposed compliance exceptions to the requirements of SR 3.0.1 in TSTF-512 would result in indeterminate and unenforceable allowances because the circumstance for which each change would apply as an exception to SR 3.0.1 cannot be readily ascertained. Therefore, the NRC staff concluded that TSTF-512 was not acceptable for review (ADAMS Accession No. ML090230254).

In Traveler TSTF-530, the TSTF stated the change to SR 3.0.3 is needed because it is possible to discover that a surveillance cannot be performed prior to expiration of the specified Frequency, but without sufficient time to perform the SR within the specified Frequency (which includes the 1.25 allowance of SR 3.0.2). The TSTF position for why the modified SR 3.0.3 is consistent with the GL 87-09, "Sections 3.0 and 4.0 of the Standard Technical Specifications (STS) on the Applicability of Limiting Conditions for Operation and Surveillance Requirements (Generic Letter 87-09)" (ADAMS Accession No. ML031140381), is from its comparison of GL 87-09 Specification 4.0.3 language to the STS language that revised the requirements in Specification 4.0.3. Specifically, the comparison in TSTF-530 states:

Note that the ISTS changed the wording from the act ("Failure to perform a Surveillance Requirement...") to its discovery ("If it is discovered that a Surveillance was not performed...") and introduced the past tense wording. This wording change is viewed by licensees as restricting the use of SR 3.0.3 to those conditions in which it is determined after the expiration of the specified Frequency that the Surveillance has not been performed. That restriction did not appear in the language proposed in the GL. In the GL language, the Specification 4.0.3 allowance could be applied when it was determined that the

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Surveillance could not be performed prior to expiration of the specified Frequency. (emphasis added).

The proposed modified SR 3.0.3 would apply to:

- Discovering a Surveillance is due with insufficient time remaining to perform the Surveillance (emphasis added),
- Discovering a Surveillance is due and the operational conditions prohibit the performance of the Surveillance (emphasis added), or
- Testing equipment failures that prevent the performance (emphasis added) of the Surveillance and which cannot be corrected within the specified Frequency.

Additionally, TSTF-530 proposed TS Bases changes to describe the two circumstances in which SR 3.0.3 may be used as follows:

- If it is not possible to perform a Surveillance within the specified Frequency (for example, due to a scheduling error, adverse operational conditions, or failure of equipment needed to perform the Surveillance), then SR 3.0.3 may be applied at the point the Surveillance is not performed within the specified Frequency (i.e., it may be anticipated that a Surveillance will not be performed within the specified Frequency, but discovery may only occur when the specified Frequency expires), and;
- If it is discovered that a Surveillance was not performed within the specified Frequency in the past, then SR 3.0.3 may be applied at the time of that discovery.

The NRC staff determined that TSTF-530 aligns with SR 3.0.3.b in TSTF-512 and would similarly revise SR 3.0.3 to add new compliance exceptions to the requirements of SR 3.0.1 beyond the allowance that already exists which would fundamentally alter the framework of STS Section 3.0, "Surveillance Requirement (SR) Applicability." The proposed modified SR 3.0.3 exception to SR 3.0.1 would apply when a licensee discovers it will not be possible to perform a Surveillance within its specified frequency due to conditions that prohibit the performance of the surveillance. General SR 3.0.2 already contains an allowance to consider an SR met if the Surveillance is performed within 1.25 times the interval specified in the surveillance Frequency.

Also, the NRC staff determined that the TSTF position for why the modified SR 3.0.3 is consistent with the GL 87-09 omits critical language included in the markup of SR 4.0.3 from GL 87-09 which explains why the structure of the language was changed to "past tense" in the improved STS. SR 4.0.3 was changed as denoted by "underlined text" as follows:

Failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by Specification 4.0.2, shall constitute noncompliance with the OPERABILITY requirements for a Limiting Condition for Operation. The time limits of the ACTION requirements are applicable at the time it is identified that a Surveillance Requirement has not been performed. Surveillance

Requirements do not have to be performed on inoperable equipment.

The proposed compliance exceptions to the requirements of SR 3.0.1 would result in indeterminate and unenforceable allowances because the circumstance for which each change would apply as an exception to SR 3.0.1 cannot be readily ascertained. Similar to TSTF-512, TSTF-530 alters the general SR conventions in such a manner as to call into question whether the necessary quality of components would be maintained, that facility operation would be within safety limits, and the LCOs would be met in accordance with the requirements of Title 10 of the *Code of Federal Regulations* Section 50.36(c)(3).

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