

August 29, 2013

MEMORANDUM TO: Anthony J. Mendiola, Chief
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Michelle C. Honcharik, Sr. Project Manager */RA/*
Licensing Processes Branch
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Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF OCTOBER 16, 2012, PUBLIC MEETING WITH
THE TECHNICAL SPECIFICATIONS TASK FORCE
RE: TSTF-529 ACCEPTANCE

On October 16, 2012, the U.S. Nuclear Regulatory Commission (NRC) staff met with the Technical Specifications Task Force (TSTF) representatives to discuss the acceptance of Traveler TSTF-529, Revision 0, "Clarify Use And Application Rules" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML112660160). The meeting was held at NRC offices in One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. A list of the meeting attendees is enclosed. The meeting notice dated October 3, 2012, is available in the ADAMS under Accession No. ML12270A252.

Mr. Robert Elliott, NRC, opened the meeting by clarifying that the purpose of the meeting was to gain an understanding of the issues but no final decisions will be made regarding the acceptance of the Traveler.

Members of the TSTF provided a presentation "Discussion of TSTF-529, Revision 0, 'Clarify Use And Application Rules'" (ADAMS Accession No. ML12303A032). The TSTF also provided a handout containing highlighted portions of the Traveler TSTF-529 and reference letters (ADAMS Accession No. ML12303A030).

TSTF-529, which is applicable to all plant types, includes 12 changes to Section 1.3 and 3.0 and the Section 3.0 Bases. The NRC staff provided draft comments regarding the acceptance of TSTF-529 (Enclosure 2). The changes and the NRC's preliminary decision on acceptance for each proposed change are given below. The TSTF members and the NRC staff discussed each of the changes that were proposed to be non-accepted and in each case identified approaches (revisions needed to the change) that would allow the NRC to accept the change for review. The changes are discussed below.

1. Proposed change: Section 1.3 and the Bases of Limiting Condition for Operation (LCO) 3.0.2 are modified to clarify and provide an example of "time of discovery."
NRC staff preliminary acceptance finding: Not accepted.
Resolution reached during meeting: The NRC staff commented that the term "time of discovery" is inherently confusing. The NRC staff recommended simply using the term "discovery" as used in LCO 3.0.2, for example, "It [the Completion Time] is referenced to the time of discovery of a situation that requires entering an ACTIONS Condition...." The TSTF

will consider revising the Traveler as suggested.

2. Proposed change: An addition is made to Section 1.3 for Westinghouse Electric Company (Westinghouse)-designed plants (NUREG-1431) to discuss the Westinghouse-specific instrumentation Notes that allow entering a Condition and not starting the Completion Time until expiration of a time allowance in a Note.
NRC staff preliminary acceptance finding: Not accepted.
Resolution reached during meeting: The NRC staff questioned why the TSTF did not include the explanation in the Surveillance Requirement (SR) Bases versus Section 1.3. The TSTF members explained that the existing SR is an exception to the rule "Completion Times start on Condition entry" as described in Section 1.3. The NRC staff asked that the TSTF explain why a Section 1.3 change was chosen and the operational experience that led to asking for the change.
3. Proposed change: LCO 3.0.4.a is modified to clarify that Required Actions must be followed after entry into the Modes and other specified conditions in the Applicability. An example is added to the Bases.
NRC staff preliminary acceptance finding: Pending
Resolution reached during meeting: The NRC staff stated that they would accept the change for review.
4. Proposed change: An editorial change is made to LCO 3.0.4.b to clarify that LCO 3.0.4.a, LCO 3.0.4.b, and LCO 3.0.4.c are independent options. The LCO 3.0.4.a Bases are revised.
NRC staff preliminary acceptance finding: Accepted.
5. Proposed change: LCO 3.0.5 is reworded to be consistent with the other LCO 3.0 specifications and to eliminate unnecessary restrictions.
NRC staff preliminary acceptance finding: Not accepted.
Resolution reached during meeting: The NRC staff commented that the proposed change loses an important concept in the existing LCO 3.0.5: that of testing to restore operability. The TSTF members agreed to revise the submittal to address the NRC staff concern.
6. Proposed change: The introductory paragraphs of the LCO 3.0 and SR 3.0 Bases, and the SR 3.0.2 Bases are modified to state that the usage rules are applicable to Chapter 3 of the TS and to clarify their use when invoked from Chapter 5.
NRC staff preliminary acceptance finding: Accepted.
7. Proposed change: The Bases of LCO 3.0.2, LCO 3.0.3, SR 3.0.2, and SR 3.0.3 are revised to replace the term "Operational Convenience," with the intention from Generic Letter 87-09 of "voluntary removal of redundant systems or components from service in lieu of other alternatives that would not result in redundant systems or components being inoperable."
NRC staff preliminary acceptance finding: Not accepted.
Resolution reached during meeting: The NRC staff commented that they need to retain a concept similar to "operational convenience" as an inspection tool, and that the concept should be clearly understood by licensees and the NRC. The NRC staff agreed to accept the Traveler with the removal of the term from SR 3.0.2 and SR 3.0.3. The NRC staff and TSTF members agreed to hold a workshop to discuss the use of "operational convenience" in LCO 3.0.2 and LCO 3.0.3. The NRC staff commented that they would involve the regional staff. If an agreement can be reached, the TSTF members will supplement the Traveler with any changes from LCO 3.0.2 and LCO 3.0.3.

8. Proposed change: Changes are made to the Bases of LCO 3.0.3 and SR 3.0.3 to use consistent terminology.
NRC staff preliminary acceptance finding: Not accepted.
Resolution reached during meeting: The NRC staff may accept the change if the TSTF explains the use of the terminology (i.e., if TSTF explains meaning “reaching” and “entering”). The NRC staff also commented that they may need to gain regional inspector input to ensure consistency. The NRC staff will address any questions in Requests for Additional Information.
9. Proposed change: The LCO 3.0.3 Bases are corrected to state that a unit shutdown may be terminated and LCO 3.0.3 exited if the LCO is no longer applicable.
NRC staff preliminary acceptance finding: Accepted.
10. Proposed change: The LCO 3.0.4.c Bases are modified to replace a misleading TS reference.
NRC staff preliminary acceptance finding: Accepted.
11. Proposed change: The LCO 3.0.5 Bases are modified to clarify that LCO 3.0.5 should not be used if there are other alternatives to demonstrate Operability that maintain compliance with Actions. An inaccurate example in the LCO 3.0.5 Bases is replaced.
NRC staff preliminary acceptance finding: Accepted.
12. Proposed change: The SR 3.0.3 Bases are modified to clarify when SR 3.0.3 may be applied and to state expectations for applying SR 3.0.3 when an SR has not been performed for an extended period.
NRC staff preliminary acceptance finding: Accepted.

There were no questions or comments received from the public.

There were two actions from the meeting:

- 1) The TSTF will revise TSTF-529 and resubmit.
- 2) The TSTF will work with the NRC and arrange a workshop to discuss operational convenience.

Project No. 753

Enclosures:

1. Attendees at the TSTF-529 Meeting
2. NRC Staff Draft Comments Regarding Acceptance of TSTF-529

cc: See next page

staff. If an agreement can be reached, the TSTF members will supplement the Traveler with any changes from LCO 3.0.2 and LCO 3.0.3.

8. Proposed change: Changes are made to the Bases of LCO 3.0.3 and SR 3.0.3 to use consistent terminology.
NRC staff preliminary acceptance finding: Not accepted.
Resolution reached during meeting: The NRC staff may accept the change if the TSTF explains the use of the terminology (i.e., if TSTF explains meaning “reaching” and “entering”). The NRC staff also commented that they may need to gain regional inspector input to ensure consistency. The NRC staff will address any questions in Requests for Additional Information.
9. Proposed change: The LCO 3.0.3 Bases are corrected to state that a unit shutdown may be terminated and LCO 3.0.3 exited if the LCO is no longer applicable.
NRC staff preliminary acceptance finding: Accepted.
10. Proposed change: The LCO 3.0.4.c Bases are modified to replace a misleading TS reference.
NRC staff preliminary acceptance finding: Accepted.
11. Proposed change: The LCO 3.0.5 Bases are modified to clarify that LCO 3.0.5 should not be used if there are other alternatives to demonstrate Operability that maintain compliance with Actions. An inaccurate example in the LCO 3.0.5 Bases is replaced.
NRC staff preliminary acceptance finding: Accepted.
12. Proposed change: The SR 3.0.3 Bases are modified to clarify when SR 3.0.3 may be applied and to state expectations for applying SR 3.0.3 when an SR has not been performed for an extended period.
NRC staff preliminary acceptance finding: Accepted.

There were no questions or comments received from the public.

There were two actions from the meeting:

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Project No. 753

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cc: See next page

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ADAMS Accession Nos.: Package – ML12303A010; Summary – ML12303A033; Presentation - ML12303A032; Handout - ML12303A030; Notice - ML12270A252

NRC-001

| OFFICE | PLPB/PM | PLPB/LA | STSB/BC | PLPB/BC | PLPB/PM |
|--------|------------|------------|-----------|------------|------------|
| NAME | MHoncharik | DBaxley | RElliott | AMendiola | MHoncharik |
| DATE | 07/17/2013 | 07/18/2013 | 8/15/2013 | 08/28/2013 | 08/29/2013 |

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Attendees at the TSTF-529 Meeting

October 16, 2012

| Name | Organization |
|-------------------|--|
| Robert Elliott | NRC/Office of Nuclear Reactor Regulation (NRR) / Division of Safety Systems (DSS) / Technical Specifications Branch (STSB) |
| Carl Schulten | NRC/NRR/DSS/STSB |
| Kristy Bucholtz | NRC/NRR/DSS/STSB |
| Gerald Waig | NRC/NRR/DSS/STSB |
| Shaun Anderson | NRC/NRR/DSS/STSB |
| Khadijah Hemphill | NRC/NRR/DSS/STSB |
| Theodore Tjader | NRC/Office of New Reactors Regulation (NRO) |
| Brian Mann | Technical Specifications Task Force (TSTF) |
| Tony Browning | TSTF |
| Rick Loeffler | TSTF |
| Rob Slough | TSTF |
| Otto Gustafson | TSTF |
| Bradley Ferrell | First Energy |
| Jana Bergman | Scientech |

NRC Staff Draft Comments Regarding Acceptance of TSTF-529

In order to clarify the use and application of the technical specification (TS) usage rules the Technical Specifications Task Force (TSTF) submitted Traveler TSTF-529. Traveler TSTF-529 proposes to revise TS Sections 1.3, "Completion Times," and Section 3.0, "LCO Applicability" and the TS Bases for Section 3.0, "LCO Applicability" and "SR Applicability".

The following changes to the TS are proposed:

1. Section 1.3 and the TS Bases of LCO 3.0.2 are modified to clarify and provide an example of "time of discovery."

The NRC staff finds the proposed change not acceptable with no opportunity for supplement.

The proposed change would establish a new staff position that time of discovery is when the LCO is "declared not met" and is subsequent to the time of occurrence, the time it is identified that the component is degraded or nonconforming, and the time required to determine that the degraded or nonconforming condition results in the component being inoperable.

The NRC staff expresses concern about the added wording "and evaluation" in the sentence "The time of discovery is subsequent to both the time of occurrence of a degraded or nonconforming condition and the time of identification and evaluation of the degraded or nonconforming condition." Does the mean the licensee could take as much time as needed to evaluate the condition? As stated, the change appears to allow abuse of the meaning of "time of discovery" for operational convenience since it does not place a time limit on the evaluation time. The wording should be maintained that the time of discovery starts upon notification of the condition. With this limitation licensees will be required to perform the evaluation in a timely manner.

Additionally, no data was presented to quantify the scope of the difference between the NRC staff and industry guidance on TS compliance or reportability to better understand the "confusion" that the TSTF says results from differing guidance, nor was data provided on why reportability is a concern that should be addressed by a TS change.

2. An addition is made to Section 1.3 for Westinghouse plants (NUREG-1431) to discuss the Westinghouse-specific instrumentation Notes that allow entering a Condition and not starting the Completion Time until expiration of a time allowance in a Note.

The NRC staff finds the proposed change not acceptable with opportunity for supplement to identify operating plant data that demonstrates industry or the NRC have a compliance concern with misapplication of TS because the TS Notes are unclear.

The proposed change adds a new Section 1.3 paragraph which applies to a handful of TS Notes. However, the new paragraph does not explain how the Notes that it applies to (it only applies to two instrumentation LCOs) are an exception to the convention that applies to all other TS Notes. An explanation is needed in order to have a common understanding of how to apply the TS 1.3 Completion Time discussion.

Additionally, the TSTF does not make a case that there is either an industry or NRC problem with understanding how the Notes modify Westinghouse Plant TS Required Actions for the reactor protection system (RPS) and engineered safety features actuation system (ESFAS)

ENCLOSURE 2

instrumentation. Licensees who believe the Note should be clarified have the option to change the TS Bases for these Notes under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59. Using 10 CFR 50.59 would eliminate the unnecessary burden on NRC and industry resources to process an administrative TS change license amendment requests. The NRC staff is concerned that if all licensees do not voluntarily make the change to the Section 1.3 Completion Time discussion, then problems would be created because it would imply that there are two different versions of the TS notes, and that they should be interpreted differently.

3. LCO 3.0.4.a is modified to clarify that Required Actions must be followed after entry into the Modes and other specified conditions in the Applicability. An example is added to the TS Bases.

NRC staff conclusion is pending due to ongoing review of plant-specific Task Interface Agreement (TIA) regarding LCO 3.6.4.3 Standby Gas Treatment System letter method.

4. An editorial change is made to LCO 3.0.4.b to clarify that LCO 3.0.4.a, LCO 3.0.4.b, and LCO 3.0.4.c are independent options. The LCO 3.0.4.a TS Bases are revised.

NRC staff finds this proposed change acceptable for review. The clarification is not a departure from the meaning intended in the LCO which is already clarified in the TS Bases.

5. LCO 3.0.5 is reworded to be consistent with the other LCO 3.0 specifications and to eliminate unnecessary restrictions.

The NRC staff finds the proposed change not acceptable for review with no opportunity for supplement.

This change would permit the Required Actions of Conditions to not be met if administrative controls are used when testing is required to be performed to demonstrate that the LCO is met or that any other LCOs are met. This change is not a clarification of LCO 3.0.5 which applies to returning equipment removed from service or declared inoperable to comply with ACTIONS. Rather the change is very much less restrictive as an exception to LCO 3.0.2 because it would apply to all TS Required Actions regardless of whether there is a Required Action that requires equipment to be removed from service or declared inoperable.

This change does not identify what is unclear with the usage of LCO 3.0.5 or does it demonstrate that industry or NRC have a generic concern with misuse of TS LCO 3.0.5 during plant operation.

It leaves many open questions. For example: What is an administrative control? Would it be a surveillance test procedure? Does the "other LCO" have to be associated with the required actions not being met?

In addition to TS Bases changes that reflect the proposed changes to the TS, the following TS Bases changes are proposed:

6. The introductory paragraphs of the LCO 3.0 and SR 3.0 TS Bases, and the SR 3.0.2 TS Bases are modified to state that the usage rules are applicable to Chapter 3 of the TS and to clarify their use when invoked from Chapter 5.

The NRC staff finds the proposed change acceptable for review.

7. The TS Bases of LCO 3.0.2, LCO 3.0.3, SR 3.0.2, and SR 3.0.3 are revised to replace the term "Operational Convenience," with the intention from Generic Letter 87-09 of "voluntary

removal of redundant systems or components from service in lieu of other alternatives that would not result in redundant systems or components being inoperable."

The NRC staff finds the proposed change not acceptable for review with no opportunity for supplement.

Replacing "operational convenience" with selected LCO 3.0.2 TS Bases would too narrowly define the concept and does not address NRC staff concerns with intentional entry into ACTIONS for operational convenience that would compromise safety such as recently identified licensee non-conservative decision-making when applying TS ACTIONS. Durable guidance is needed in place of the proposed LCO 3.0.2, LCO 3.0.3, SR 3.0.2 and SR 3.0.3 changes. The NRC staff will engage with the industry to define operational convenience separately from this Traveler.

8. Changes are made to the TS Bases of LCO 3.0.3 and SR 3.0.3 to use consistent terminology.

The NRC staff finds the proposed change not acceptable for review with no opportunity for supplement.

The proposed change to replace the LCO 3.0.3 TS Bases term "reaching" with "entering" when referring to a MODE change is a statement of language preference by the TSTF. The NRC staff does not agree that the TSTF language preference would not change the meaning of LCO 3.0.3 as it is applied in Section 3.0 and the NRC staff TS interpretations and guidance that currently exist. Licensees have the option to make TS Bases changes under the requirements of 10 CFR 50.59 to address unclear TS Bases.

The proposed change to replace the SR 3.0.3 TS Bases term "complete(ion)" with the term "perform(ance)" when referring to surveillance tests would change the meaning of SR 3.0.3 because the TS Bases use of "complete(ion)" as a general statement about the requirements of SR 3.0.1 not being met for reasons of the Surveillance not performed and/or the Surveillance not met. Making the proposed changes would be contrary to the requirements under 10 CFR 50.36(a)(1) that summary statements of the TS Bases or reasons for TS shall be included in the application but shall not become part of TS.

9. The LCO 3.0.3 TS Bases are corrected to state that a unit shutdown may be terminated and LCO 3.0.3 exited if the LCO is no longer applicable.

The NRC staff finds the proposed change acceptable for review.

10. The LCO 3.0.4.c TS Bases are modified to replace a misleading TS reference.

The NRC staff finds the proposed change acceptable for review.

11. The LCO 3.0.5 TS Bases are modified to clarify that LCO 3.0.5 should not be used if there are other alternatives to demonstrate Operability that maintain compliance with Actions. An inaccurate example in the LCO 3.0.5 TS Bases is replaced.

The NRC staff finds the proposed change acceptable for review.

12. The SR 3.0.3 TS Bases are modified to clarify when SR 3.0.3 may be applied and to state expectations for applying SR 3.0.3 when an SR has not been performed for an extended period.

The NRC staff finds the proposed change acceptable for review.