NCP-2017-005

NON-CONCURRENCE PROCESS
COVER PAGE

The U.S. Nuclear Regulatory Commission (NRC) strives to establish and maintain an environment that encourages all employees to promptly raise concerns and differing views without fear of reprisal and to promote methods for raising concerns that will enhance a strong safety culture and support the agency's mission.

Employees are expected to discuss their views and concerns with their immediate supervisors on a regular, ongoing basis. If informal discussions do not resolve concerns, employees have various mechanisms for expressing and having their concerns and differing views heard and considered by management.

Management Directive, MD 10.158, "NRC Non-Concurrence Process," describes the Non-Concurrence Process (NCP), http://nrcweb.nrc.gov:8600/policy/directives/catalog/md10.158.pdf.

The NCP allows employees to document their differing views and concerns early in the decision-making process, have them responded to (if requested), and attach them to proposed documents moving through the management approval chain to support the decision-making process.

NRC Form 757, "Non-Concurrence Process" is used to document the process.

Section A of the form includes the personal opinions, views, and concerns of a non-concurring NRC employee.

Section B of the form includes the personal opinions and views of the non-concurring employee's immediate supervisor.

Section C of the form includes the agency's evaluation of the concerns and the agency's final position and outcome.

NOTE: Content in Sections A and B reflects personal opinions and views and does not represent official factual representation of the issues, nor official rationale for the agency decision. Section C includes the agency's official position on the facts, issues, and rationale for the final decision.

At the end of the process, the non-concurring employee(s):

- ☐ Concurred
- ☑ Continued to non-concur
- ☐ Agreed with some of the changes to the subject document, but continued to non-concur
- ☐ Requested that the process be discontinued
  - ☐ The non-concurring employee(s) requested that the record be non-public.
  - ☑ The non-concurring employee(s) requested that the record be public.
- ☐ This record is non-public and for official use only.
- ☑ This record has been reviewed and approved for public dissemination.

NRC FORM 757
NRC MD 10.158
(02-2016)

U. S. NUCLEAR REGULATORY COMMISSION

NON-CONCURRENCE PROCESS

NCP TRACKING NUMBER
NCP-2017-005
NCPPM 3/16/17

SECTION A - TO BE COMPLETED BY NON-CONCURRING EMPLOYEE

TITLE OF SUBJECT DOCUMENT	ADAMS ACCESSION NO.
Cooper Nuclear Station - Issuance Of Amendment No. 258 Re: Adoption of TSTF-425, Revision 3	ML17061A050
DOCUMENT SIGNER: Thomas J. Wengert	SIGNER TELEPHONE NO.: 415-4037
TITLE: Senior Project Manager	ORGANIZATION: NRR/DORL/LPL4
NAME OF NON-CONCURRING EMPLOYEE(S): T. Martinez-Navedo, S.Ray, R.Mathew, S.Matharu	TELEPHONE NUMBER: 415-6561
TITLE: Electrical Eng (TMN) and Senior Electrical Eng(rest)	ORGANIZATION: NRR/DE/EEEB

☐ DOCUMENT AUTHOR ☐ DOCUMENT CONTRIBUTOR ☑ DOCUMENT REVIEWER ☐ ON CONCURRENCE

NON-CONCURRING EMPLOYEE'S SUPERVISOR: Jacob Zimmerman

TITLE	ORGANIZATION
Branch Chief	NRR/DE/EEEB

☑ I WOULD LIKE MY NON-CONCURRENCE CONSIDERED AND WOULD LIKE A WRITTEN EVALUATION IN SECTION B AND C.

☐ I WOULD LIKE MY NON-CONCURRENCE CONSIDERED, BUT A WRITTEN EVALUATION IN SECTIONS B AND C IS NOT NECESSARY.

WHEN THE PROCESS IS COMPLETE, I WOULD LIKE THE NCP FORM: ☑ PUBLIC ☐ NON-PUBLIC

REASONS FOR THE NON-CONCURRENCE, POTENTIAL IMPACT ON MISSION, AND THE PROPOSED ALTERNATIVES
(use continuation pages or attach Word document)

Full Title: Cooper Nuclear Station - Issuance Of Amendment No. 258 Re: Adoption of TSTF-425, Revision 3. (CAC NO. MF7498)

The non-concurring employees identified above (staff in the Electrical Engineering Branch) object to the license amendment for Cooper Nuclear Station to implement Technical Specification Task Force (TSTF) 425, Revision 3, "Relocate Surveillance Frequencies to Licensee Control - RITSTF Initiative 5b." The objections are similar to those previously addressed in other non-concurrences (NCP-2015-009 (ML15322A197), NCP 2015-012 (ML16033A197), NCP-2016-005 (ML16141A025), NCP-2016-010 (ML16148A057), NCP-2016-011 (ML16176A235), NCP-2017-004). The issues are also the subject of Differing Professional Opinion DPO-2016-003 which was accepted on 10/19/16.

This non-concurrence is specifically related to the TSTF-425 methodology.

SIGNATURE: /S Mathaw/ /Tania Martinez Navedo/ /Shelby Ray/ /Ramin Assa/

DATE: 3/16/17

NRC FORM 757 (02-2016)

Use ADAMS Template NRC-006 (ML063120159)

NRC FORM 757
NRC MD 10.158
(02-2016)

U. S. NUCLEAR REGULATORY COMMISSION

NON-CONCURRENCE PROCESS

NCP TRACKING NUMBER: NCP-2017-005

SECTION B - TO BE COMPLETED BY NON-CONCURRING EMPLOYEE'S SUPERVISOR

TITLE OF SUBJECT DOCUMENT	ADAMS ACCESSION NO.
Cooper Nuclear Station - Issuance of Amendment No. 258 Re: Adoption of TSTF-425, Revision 3	ML17061A050

NAME
Jacob I. Zimmerman

TITLE	TELEPHONE NUMBER
Branch Chief	415-1220

ORGANIZATION
NRR/DE/EEEB

COMMENTS FOR THE NCP REVIEWER TO CONSIDER (use continuation pages or attach Word document)

I agree with the comments, logic, and reasoning by the Electrical Engineering Branch (EEEB) staff expressing their concerns with approving the license amendment request (LAR) to relocate most periodic frequencies of Technical Specification surveillances to the Surveillance Frequency Control Program (SFCP) for AC and DC electric power systems.

My recommendation to the NCP Reviewer is to seriously consider the concerns of the EEEB staff and withhold approval of the Cooper Nuclear Station LAR and other similar LARs until all issues are appropriately addressed. In addition, Differing Professional Opinion (DPO-2016-003) which is the subject of the same concerns should also be addressed prior to issuing the Cooper LAR and other LARs related to the same concerns of the EEEB.

SIGNATURE	DATE
Jacob I. Zimmerman	3/15/17

Use ADAMS Template NRC-006 (ML063120159)

NRC FORM 757
NRC MD 10.158
(07-2015)

U. S. NUCLEAR REGULATORY COMMISSION

NON-CONCURRENCE PROCESS

NCP TRACKING NUMBER: NCP-2017-005

SECTION C - TO BE COMPLETED BY NCP COORDINATOR

TITLE OF SUBJECT DOCUMENT	ADAMS ACCESSION NO.
Cooper Nuclear Station - Issuance of Amendment No. 258 Re: Adoption of TSTF-415, Revision 3	ML17061A050

NAME: G. Edward Miller

TITLE	TELEPHONE NUMBER
Project Manager	415-2481

ORGANIZATION: NRR/DORL/LSPB

AGREED UPON SUMMARY OF ISSUES (use continuation pages or attach Word document)
Please see attached document

EVALUATION OF NON-CONCURRENCE AND RATIONALE FOR DECISION (use continuation pages or attach Word document)
Please see attached document

TYPED NAME OF NCP COORDINATOR	TITLE
G. Edward Miller	Project Manager

ORGANIZATION: NRR/DORL/LSPB

SIGNATURE--NCP COORDINATOR	DATE
/RA/	3/17/17

TYPED NAME OF NCP APPROVER	TITLE
Eric Benner	Deputy Director

ORGANIZATION: NRR/DORL

SIGNATURE--NCP APPROVER	DATE
/RA/	3/20/17

Use ADAMS Template NRC-006 (ML063120159)

NCP-2017-005 Section C

As the NCP Approver, I have read and considered the submission from EEEB staff. Prior to discussion of the issues, I would like to acknowledge the work of the EEEB staff and recognize that it is good that they are exercising their ability to register their concerns through the NRC's non-concurrence process.

Summary of Issues

The EEEB staff is objecting to the issuance of the amendment to the Cooper license to implement TSTF-425 (Risk-Informed Surveillance Frequencies). The EEEB Non-concurrence has four core objections to the proposed license amendment request (LAR):

1. The proposed amendment would modify the Cooper Technical Specifications (TSs) in a manner that doesn't meet the current licensing basis of Cooper and NRC regulatory requirements. Specifically, General Design Criterion (GDC) 17, GDC 18, 10 CFR 50.36(c)(3), and 10 CFR Appendix B Criterion III.

2. The Topical Report (TR) Safety Evaluation (SE) was not reviewed by the Office of the General Counsel (OGC).

3. There are no backstops provided for the Surveillance Requirement (SR) frequencies that would be relocated to the licensee controlled document.

4. The proposed amendment is risk-based, not risk-informed.

Evaluation of Non-Concurrence

The objections raised in this non-concurrence are identical to those raised by EEEB staff during the NRC review of a TSTF-425 LAR for the Perry Nuclear Power Plant, Unit 1 (NCP-2015-012). The non-concurrence, including the NRC's response to the non-concurrence is available under Agencywide Documents Access and Management System Accession No. ML16033A197. As no new issues have been raised by the current non-concurrence, nor has additional technical justification for the issues been provided, I find that the previous resolution of the issues remains valid. Thus, the NRC staff should proceed with issuance of the LAR.