

From: Hackett, Edwin
Sent: Monday, May 07, 2018 11:42 AM
To: Lew, David
Cc: Lubinski, John; Moore, Scott; Ordaz, Vonna; Roberts, Darrell; Safford, Carrie; Lorson, Raymond; Difrancesco, Nicholas; Cupidon, Les; Yerokun, Jimi
Subject: CRGR Response to Region I Regarding the Contested NCV on the Salem Containment Isolation Valves and Associated Backfit Claims
Attachments: CRGR Salem Valve Response Evaluation May 2018.docx
Follow Up Flag: Follow up
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Hi Dave,

Our CRGR response is attached. Please let us know if you have any questions.

Best,

Ed

Dave,

At the request of Region I management, the Committee to Review Generic Requirements (CRGR, the Committee) reviewed the proposed Region I response entitled, "Response to Contested Non-Cited Violation Documented in U.S. Nuclear Regulatory Commission Inspection Report 05000272/2017003 and Associated Backfit Claims." This proposed response is in reaction to a letter (ML17319A152) from PSEG, the licensee for the Salem Nuclear Generating Station Committee, which contested inspection findings related to containment isolation valves in Salem, Unit 1. In contesting the NCV, PSEG also asserted that new staff positions were involved and hence, challenged portions of the NCV as backfits.

Section 6 of the proposed response addresses the PSEG backfit claims. For items 6 a (Evaluating Dose Consequences) and 6 b, (Application of a Thirty Second Time Limit) the staff agreed with the PSEG backfit claims. For item 6a, the staff agreed to remove language for the enforcement section of the NCV to ensure that it would not be interpreted as a backfit. For item 6 b, the reviewers did not find any reference to 30 seconds in the enforcement section and hence, no actions were required to modify the language. The CRGR agrees with these staff assessments.

Item 6 c. (Interpretation of Intermittent Inconsistent with Past Station Practices), necessitated more detailed discussion among the CRGR members. At the request of the CRGR, the Region I staff briefed the CRGR on this item in a teleconference call on April 27, 2018. During the call, the staff provided clarification on the interpretation and past agency position on use of the term, "intermittent" and appropriate administrative controls regarding the consideration of a "dedicated operator" as discussed in the staff assessment. This discussion was very helpful to the CRGR in deciding that the interpretation of "intermittent," was clearly not consistent with the extended period that the containment isolation valves were left open at Salem. In addition, the CRGR agreed with the staff that the normal complement of licensee staff in the control room, did not constitute a "dedicated operator" as required by the technical specifications. For these reasons the CRGR does not support the PSEG contentions of a backfit regarding this item.

The CRGR had further discussion regarding the potential ambiguities associated with the term "intermittent." Neither the technical specifications, nor past agency practice appear to aid in a more precise definition of the term. CRGR has found that this type of ambiguity can lead to claims of implied backfits and urges the staff to either provide additional clarification or avoid the use of such terms.

This email documents completion of CRGR action on the staff's request that CRGR review the proposed Region I response to Salem entitled, "Response to Contested Non-Cite Violation Documented in U.S. Nuclear Regulatory Commission Inspection Report 05000272/2017003 and Associated Backfit Claims". Les Cupidon will ensure that all relevant documents associated with this CRGR review are entered into ADAMS as specified in Section VI of the CRGR Charter.

Because of his prior involvement with the initial issuance of the NCV while in Region I, Ray Lorson, currently a CRGR member, voluntarily recused himself from the CRGR review and final determination regarding this matter.

The CRGR appreciates the time and effort your staff spent in preparing for the Committee's review, and briefing the CRGR members and addressing their questions. If you have any questions, please contact me, Les Cupidon, or Nick DiFrancesco.

Thanks,

/RA/

Ed Hackett, Chairman
Committee to Review Generic Requirements