



Washington Public Power Supply System  
A JOINT OPERATING AGENCY

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PROPOSED RULE

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P. O. Box 988 3007 GEO. WASHINGTON WAY RICHLAND, WASHINGTON 99352 PHONE (509) 375-5000

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Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Docketing and Service Branch

Subject: PROPOSED RULEMAKING ON TECHNICAL SPECIFICATIONS

Gentlemen:

An advance notice of proposed rulemaking to change NRC regulations pertaining to technical specifications for nuclear power reactors was published in the July 8, 1980, Federal Register. Comments were specifically solicited concerning fifteen questions. The Supply System's response to these questions, as well as some general observations, are provided in the attachment.

Please advise me if you have any questions regarding our comments.

Very truly yours,

*D. L. Renberger*

D. L. RENBERGER  
Assistant Director, Technology

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encl.

cc: W. Woods, NUS  
N. S. Reynolds, D&L

Acknowledged by card. 10/24/80

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## COMMENTS ON PROPOSED RULEMAKING ON TECHNICAL SPECIFICATIONS

### General Comments

The Supply System proposes that the Technical Specification format be revised to three levels of importance; the first level dealing with immediate action requirements, the second level dealing with less immediate requirements, but still requiring NRC approval before changing, and the third level dealing with design bases, certain administrative commitments and some longer term surveillance requirements which should be relegated to the FSAR. Only the first level requirements should be part of the license. The second level should be controlled, but not as a part of the license, and the third level should be controlled as part of the FSAR.

The first level should include thermal power limits, startup limits, limiting safety settings, and those LCO's which require operator action within eight hours. The second level should include LCO's which require operator action after eight hours, LCO's which require reports only, LCO's which deal with nonoperating conditions such as refueling, etc., and surveillance requirements exclusive of details of performance. The third level should include staffing requirements, administrative controls, details of surveillance requirements, design bases and operating bases, and could be covered in plant Operating Procedures, Surveillance Procedures, the FSAR, topical reports, or other quasi-controlled documents.

### Specific Comments (Refer to numbers from the proposal)

1. Would it be appropriate to establish a fixed standard for deciding which items derived for the safety analysis report must be incorporated into the technical specifications?

ANS. Yes, provided the "fixed" standard is not continuously changed.

2. If so, what should the standard be based on?

ANS. The basis should be the relative importance to immediate safety. (See general comments.)

3. Would a standard incorporating the concept of "immediate importance to safety" be appropriate?

ANS. The standard should result in classifications of requirements based on relative urgency. (See general comments.)

4. Would it be appropriate to modify 50.36 to require technical specifications to focus more directly on reactor operation?

Yes, many of the items included in present technical specifications are not assisting the utility in meeting a goal of safe reactor operation, as they are items which are not controllable or observable by the reactor operator; e.g., containment structural integrity requirements, number of operable safety valves, and special test exceptions.

5. Are surveillance requirements as currently defined in 50.36 appropriate subjects for technical specifications?

ANS. Only to the extent they demonstrate that the systems of immediate importance to safety are functional. The accuracy of measurements, for example, is less important than the function of a system. The details of the surveillance activities should be relegated to a lower level of concern.

6. Should the current scope of surveillance requirements be reduced?

ANS. Yes. The objective of the surveillance requirements should be retained in the technical specifications, but the specifics should be removed to allow the licensee greater flexibility in meeting minimum reliability or availability requirements.

7. If so, would it be appropriate to change the scope to include only those requirements related to assuring safety limits and limiting conditions for operation are being met, and not to include other requirements?

ANS. Generally, yes. However, consideration should be given to the overall objective of the technical specifications. What are they supposed to achieve? The entire technical specification, after all, is only an administrative control. By itself, it does not contribute to plant safety.

8. Would it be appropriate to define a new category of requirements, separate from technical specifications, that would have a different level of importance to safety?

ANS. Yes, but it is suggested that some of these requirements may already be (or could be) incorporated in the body of the FSAR, which is now a controlled document (see comment 5).

9. What type of requirements currently included in technical specifications would be appropriately included in the new category?

ANS. It is recommended that two new categories be established, one which requires somewhat more control than the FSAR and less than the licenses, and a second which relegates to the FSAR. (See general comments.)

10. Should the new category of requirements be physically attached to the license, or included in a separate document, for example, the FSAR?

ANS. Neither of the new categories should be physically attached to the license. That is, they should be able to be changed, under appropriate controls, without revising the license.

11. How should the enforceability of the requirements that are moved into the new category be maintained?

ANS. The entire license, including the technical specifications, and the FSAR are only administrative controls and do not enforce anything, except after the fact. That is, someone can breach the license and the only enforcement occurs as the licensee reports his own deficiency at which time penalties may be assessed.

The same incentive can be applied to any administrative control, including breaches of important FSAR statements or Operating Procedures.

12. Would it be appropriate to allow the licensees to make certain changes to the requirements in the new category without prior NRC approval?

ANS. Yes, on a selected basis relative to their importance to safety.

13. If so, what conditions should be established to assure that such changes would not adversely affect safety?

ANS. With the threat of punitive sanctions for intentional or negligent breeches of the general commitment to safety. Existing regulations require an independent review of any activity that could conceivably affect safety. The NRC should require the licensee to regulate himself, report significant changes or deviations in a timely manner and in general be responsible for his own actions. The NRC could review all changes, but it is impractical to demand advance approval for all activities.

14. What specific changes to the regulations should be included in response to the preceding questions?

ANS. The license and attachments thereto should be reduced to establishing boundary (envelope) conditions for the plant to remain operational and the license to remain in effect (such as, maximum power, maximum temperatures and pressures, number of functions that can be out of service, etc.). More general commitments and the means to achieve these commitments should not be part of the license. The more general commitments can be handled on a more routine, self-regulated basis.

15. What advantages and disadvantages could be expected from the system of requirements derived from the answers to the preceding questions?

ANS. a. Licensing Applicants

Agreement can more easily be reached if the license contained fewer details and focused instead on boundary (envelope) definitions. As design or operational details evolved, the PSAR, FSAR and Operating and Surveillance Procedures would also evolve, but the licensed boundaries would remain intact.

b. Operating Licensees

The licensee would have more flexibility to "fine tune" the operation of the facility if the license (and technical specifications) provided an envelope within which he could maneuver, rather than a detailed network which limits his maneuverability.

c. The NRC

The NRC could concentrate on the major issues, agree on an envelope for first-level enforcement, and apply second-level enforcement to the less important requirements. Review of details, since the details would not be part of the license, could be done on a routine basis and those reviews would not hold a plant in a shut-down mode. Only potential direct challenges to the operating envelope would require prior approval by the NRC.

d. The Public

The public would benefit because the more important considerations of the plant operating envelope would receive more visibility, and the public would not have to (but could if they wanted) concern themselves with voluminous detail to extract the important issues. Further, delays in start-up or restart of a plant would be reduced, providing the public with the service they are paying for. It is suggested that the public is not particularly interested in, nor does it generally have the expertise, to form valid opinions on the specific details of operation such as instrument error and drift, frequency of testing, statistical reliability or materials of construction.

As a general observation, we applaud the intent to update the requirements of 10CFR50.36 and believe, if done properly, will benefit all concerned. However, the entire licensing process assumes that an adversary role exists between the regulators and the regulatees. This assumption is not valid and, in fact, the licensee becomes his own regulator, responsible only to an after-the-fact audit and sanction. The current rigidity of the details of the license tend to promote the adversary roles and is counter-productive.