



RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

FOIA -- 91-246

RESPONSE TYPE

☒ FINAL

☐ PARTIAL

DATE

SEP 6 1991

DOCKET NUMBER(S) (if applicable)

REQUESTER

David Repka

PART I. AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

<input type="checkbox"/>	No agency records subject to the request have been located.
<input type="checkbox"/>	No additional agency records subject to the request have been located.
<input type="checkbox"/>	Requested records are available through another public distribution program. See Comments section.
<input type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
<input checked="" type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) <u>E</u> are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.
<input type="checkbox"/>	The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.
<input type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.
<input type="checkbox"/>	Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
<input checked="" type="checkbox"/>	Agency records subject to the request are enclosed. [Appendix E documents are enclosed.]
<input type="checkbox"/>	Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
<input checked="" type="checkbox"/>	Fees *
<input checked="" type="checkbox"/>	You will be billed by the NRC for fees totaling \$ <u>458.55</u>
<input type="checkbox"/>	You will receive a refund from the NRC in the amount of \$ _____
<input type="checkbox"/>	In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____

PART II. A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

You will be billed in the amount of \$458.55 for fees for processing your request.

2 hours SES search:	105.92
9 hours prof. search:	251.37
1 hr, 20 min. cler. sea.	17.63
2.5 hrs. prof. review	69.83
69 pages duplication	13.80
	<u>458.55</u>

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FDR FOIA
REPKA91-246 PDR

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Barry H. Runkle

APPENDIX E
DOCUMENTS BEING PLACED IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	5/6/77	Memo from J. H. Sniezek to Karl Goller, subject: Technical Specification Action Statements, with attachment. (4 pages)
2.	5/20/77	Memo from J. H. Sniezek to G. Fiorelli, subject: Operability Demonstration of Redundant Systems, with attachment. (2 pages)
3.	8/16/77	Memo from K. Goller to J. H. Sniezek, subject: Technical Specification Action Statements. (2 pages)
4.	1/29/79	Memo from J. F. Streeter to S. E. Bryan, subject: Clarification of and Proposed Changes to STS Relating to Electrical Power Systems and A.C. and D.C. Distribution. (3 pages)
5.	3/8/79	Memo from Samuel Bryan to B. K. Grimes, subject: Clarification of and Proposed Changes to STS: AC & DC Distribution. (1 page)
6.	4/30/87	Note to File from Richard Emch, subject: TS Interpretation - T.S. 3.0.4/4.0.4. (2 pages)
7.	8/10/88	Memo from T. Murley to R. Martin, subject: Voluntary Entry Into Technical Specification 3.0.3. (1 page)
8.	4/6/90	Memo from J. Johnson to R. Weseman, subject: Vermont Yankee Plans to Overhaul an Emergency Diesel Generator While at Full Power. (1 page)
9.	4/6/90	Memo from Faust Rosa to R. Weseman, subject: Vermont Yankee - Plans to Overhaul an Emergency Diesel Generator While at Full Power. (2 pages)

APPENDIX E
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
10.	4/13/90	Memo from R. Wesman to J. Johnson, subject: Transmittal of NRR Electrical Systems Branch Memo on Vermont Yankee Diesel-Generator Overhaul at Full Power Dated April 6, 1990. (1 page)
11.	4/13/90	Memo from Jose Calvo to David Matthews, subject: Technical Assistance Request: Instrumentation of Technical Specification 3.4.1.4.2 and the Voluntary Entry Into Action Statements Containing No Allowable Outage Times Or The Work Immediately. (2 pages)
12.	5/2/90	Memo from "Tim" to various addressees, subject: Vermont Yankee. (1 page)
13.	5/18/90	Memo from T. Murley to T. Martin, subject: Using the Outage Time Allowed by the Limiting Condition for Operation for Overhauling an Emergency Diesel Generator With the Plant Operating at Full Power. (2 pages)
14.	6/19/90	Memo from J. Vorse to T. Murley and S. Ebner, subject: Interpretation of Technical Specification 3.4.1.4.2 (1988 Version) at the Vogtle Electric Generating Plant, Georgia Power Company, with attachments: a) document B/11 identified above; b) 3/26/90 memo from Reyes to Lainas; c) Technical Specification 3.4.1.4.2; d) 4/19/90 memo from Lainas to Reyes; and e) document B/2 identified above. (5 pages)
15.	10/4/90	Memo from Commissioner Curtiss to James Taylor, subject: Voluntary Entry Into Technical Specification Limiting Conditions for Operation (LCOs) For the Performance of Maintenance, with attachments. (6 pages)

Re: FOIA-91-246

APPENDIX E
DOCUMENTS BEING PLACED IN THE PDR
(Continued)

NUMBER	DATE	DESCRIPTION
16.	12/27/90	Letter from James H. Snizek to Kenneth Strahm, INPO. (2 pages)
17.	4/30/91	Memo from T. Murley to Regional Administrators, subject: Guidance on Voluntary Entry Into Technical Specifications Limiting Conditions for Operation Action Statements to Perform Preventive Maintenance (On-Line PM). (1 page)

WINSTON & STRAWN

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June 11, 1991

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-91-246
Rec'd 6-12-91

Mr. Donnie H. Grimsley, Director
Division of Freedom of Information
and Publications Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Re: Freedom of Information Act Request

Dear Mr. Grimsley:

I hereby request, pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, and Nuclear Regulatory Commission ("NRC") regulations, 10 C.F.R. Part 9, copies of all "records" as defined in 10 C.F.R. § 9.13 (including, without limitation, any NRC position, statement, interpretation, review, evaluation, question, request for interpretation, or enforcement action) concerning the entry by operators (either voluntarily or as a result of found conditions) into the Action Statements of Limiting Conditions for Operation of Technical Specifications and, in particular, entry into Action Statements which require immediate action or which provide no "Allowable Outage Time" before action must be taken.

For your information, I understand that Mr. Richard L. Ench, Jr., Section Chief of the Technical Specifications Branch of the Office of Nuclear Reactor Regulation, and Mr. Paul J. Kellog, formerly with the Region II Technical Staff, have or had care and custody of records encompassed by the foregoing request.

I am willing to pay the applicable charges for production of the requested records in accordance with 10 C.F.R. Part 9 up to a maximum of \$1,000.00, and those charges in excess of \$1,000.00 of which I am notified, and which I approve, in advance.

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Mr. Donnie H. Grimsley
June 11, 1991
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If you have any questions concerning this FOIA request,
please feel free to contact me.

Very truly yours,

A handwritten signature in dark ink, reading "David A. Repka". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

David A. Repka



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

J. M. MC Gough, NRR

184

MAY 0 6 1977

MEMORANDUM FOR: Karl R. Goller, Assistant Director for Operating
Reactors, DOR, NRR

FROM: J. H. Sniezek, Chief, Light Water Reactor Programs
Branch, RIP, IE

SUBJECT: TECHNICAL SPECIFICATION ACTION STATEMENTS

Recent findings from our routine inspection program indicate that some licensees may be misinterpreting the intent of TS Action Statements. In order to clarify this matter, the NRR philosophy associated with LCO Action Statements was discussed with Joe McGough by F. Nolan of my staff. Based on these discussions, we have concluded that action statements were developed for relatively limited use to permit surveillance testing and preventive maintenance activities. It has long been recognized that certain licensees may on infrequent occasions abuse the intent of action statements. It is our understanding that NRR had envisioned flagrant violators of action statement provisions would be identified during analysis of 30-days reports submitted to the NRC.

It is noted that the reporting requirements described in Regulatory Guide (RG) 1.16 have undergone several revisions, and the current revision does not require licensees to submit 30-day reports for certain routine surveillance tests, instrument calibrations or preventive maintenance unless a degraded mode is revealed during the related activity.

Our inspection findings reveal that licensees enter action statement conditions for three purposes: ease of plant operations; plant modifications; and preventive maintenance (including surveillance). When a licensee enters an action statement for ease of plant operations or plant modification, a 30-day report is normally submitted to NRC. On the other hand, such reports are not submitted for preventive maintenance. In addition, many licensees perform questionable activities under the guise of preventive maintenance (described in the enclosure). We recognize that some of the examples may be considered as marginally reportable, and in fact, represent responsible action on the part of the licensee.

CONTACT: F. J. Nolan, IE
49-27451

E/1

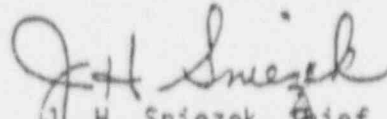
Karl R. Goller

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MAY 0 6 1977

The enclosed examples are provided to depict the various situations under which licensees enter into TS Action Statement conditions. If such actions negate the probabilistic basis, a solution may be to incorporate in technical specifications specific time limits that a component or subsystem may be in preventive maintenance status each week, month, etc.

It is requested that we be informed if it is permissible for a licensee to enter into TS Action Statement conditions regardless of the causative factors or reason for doing so. ✓


J. H. Sniezek, Chief
Light Water Reactor Programs
Branch, RIP, IE

Enclosure: Action Statement .
Usage Examples

cc: J. M. McGough, NRR
E. J. Brunner, RI
A. B. Davis, RI
F. J. Nolan, IE

INTERPRETATION OF TECHNICAL SPECIFICATIONS

ADMINISTRATIVE CONTROLS

Technical Specification Administrative Controls require, consistent with Regulatory Guide 1.16, Rev. 4, a thirty-day written report for "Conditions leading to operation in a degraded mode permitted by a limiting condition for operation, or plant shutdown required by a limiting condition for operation." Following is guidance on when such reports are required.

The purpose of this thirty-day written report is to provide data on equipment failure, including inoperability. Therefore, a report is required:

1. When the failure is detected while performing a test required by the Technical Specifications to demonstrate operability of the equipment. This is true even if the failure is detected in a mode for which the Technical Specifications do not require operability of the equipment.
2. When the failure is detected while the facility is operating in a mode for which the Technical Specifications do not specifically state that operability of the failed equipment is not required for that mode (so that operability in that mode is required, either directly or by implication).

A thirty-day written report need not be submitted when equipment is removed from service, for reasons other than failure, to enter alternate or degraded modes of operation consistent with the provisions of a technical specification.

ENCLOSURE

A. Examples of Action Statement Usage - Ease of Plant Operation

1. Condensate storage tank was allowed to drop below minimum allowable level for several hours while cleaning up secondary chemistry problem.
2. Refueling water tank was routinely isolated for several hours from the suction of the charging pumps to allow use of the line for adding large amounts of pure water to the reactor coolant system. This method of operation was developed when the installed makeup line was found to be undersized. The T.S. requirements for borated water sources was changed to allow this action.

B. Plant Modifications

1. An Emergency Diesel Generator was taken out of service for several hours to implement a design change to the air start system.*
2. Two charging pumps were taken out of service for two hours for modification.* Three pumps installed, two required by LCO.
3. One of two transmission lines removed from service for three days to make modifications in switchyard. This dual unit facility has an action statement on each unit for only one transmission line operating.

* These items were not reported as the licensee defined these modifications as preventive maintenance.

C. Preventive Maintenance (PM) (None of these items has been reported as LER)

1. A charging pump was out of service for 12 hours while replacing packing and troubleshooting. Another pump was already out of service.
2. An emergency diesel generator was out of service for several hours to repair leaks (pinhole) in the service water system.
3. Each emergency diesel generator was out of service for 16 hours while correcting problems with high crankcase pressure trip.
4. An emergency diesel generator was out of service for six hours to replace cooling system relief valves.
5. Leaking seals on a boric acid transfer pump were replaced rather than wait for failure.
6. Extensive PM programs have each emergency diesel out of service on the average of 8 hrs/week.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 20, 1977

MEMORANDUM FOR: G. Fiorelli, Chief, Reactor Operations and
Nuclear Support Branch, R111

FROM: J. H. Sniezek, Assistant Director for Field
Coordination, RO1/IE

SUBJECT: OPERABILITY DEMONSTRATION OF REDUNDANT SYSTEMS (F30290H1)

We have discussed with DOR the issue raised in your memorandum of April 27, 1977. The NRC philosophy of testing redundant systems when one system fails is undergoing a change. The current feeling is that to take its redundant system out of service for testing, if the first system fails, creates the risk of the second system also failing. It has been observed that failures of the second system are often related to the test itself and is not an indication that the system would have failed should it have been needed.

All current STS reflect this thinking and some TS changes are occurring to improve older TS. Some older facilities, however, are reluctant to accept this improvement because in order to justify not immediately testing the redundant system, that system must be routinely tested at an increased interval. DOR will not accept a deletion of immediate redundant testing without improved routine surveillance frequencies.

To specifically answer your request that "immediate" be interpreted as within four hours, it was felt that this could not be generally applied. In some cases it might be too long while in other cases the four-hour period might create a rushed situation that would result in an increased probability of human failure resulting in a loss of the backup system. How soon the test should be conducted will depend on the cause of the system failure. As a guideline, if the failure was generic such that the redundant system might not function for the same reason, then the test should be completed as soon as possible. On the other hand, if it is not likely that the second system will fail by the same mode, then there is less urgency to conduct the test. Thus, for the present, the NRC will rely on the technical judgment of the NRC inspection staff on a case-by-case basis.

J. H. Sniezek
J. H. Sniezek
A/D for Field Coordination

cc w/incoming:

J. H. McGough, NRR

S. J. Brunner, RI

F. J. Long, RI

G. L. Madsen, RIV

J. L. Crews, RV

K. V. Seyfrid, IE

CONTACT: G. L. Constable
49-27451

E/2

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From: 9900
of Inspection
Manual

STS, Section 3.0
Voluntary Entry into
Action Statements
Issue Date: 1/1/82

Interpretation:

Voluntary Entry into Action Statement Conditions of the Technical Specifications (TS).

Purpose:

To provide the NRC position concerning Voluntary Entry into TS Action Statement Conditions.

Discussion:

10 CFR 50.36(c)(2) describes the limiting conditions for operation as the lowest functional capability or performance level of equipment that is required for the safe operation of the facility. Paragraph 50.36(c)(2) also states that the licensee shall shutdown the reactor or follow any remedial action permitted by the TS whenever a limiting condition for operation cannot be met.

The NRC endorses Voluntary Entry into the Action Statement Conditions and has structured the TS to permit the licensee to exercise judgment within the latitude permitted by the Action Statement language in the TS. The TS also restricts facility operation in the specified degraded mode of operation to the limited period of time designated in the related TS. In addition, Item 3.0.4 of the STS prohibits entry into an operational mode unless the conditions for the limiting condition for operation are met without reliance on provisions contained in the action requirements. This latter item provides assurance that all capability requirements are satisfied prior to the most recent startup.

Reference:

Memorandum, B. K. Grimes to S. E. Bryan; dated June 13, 1979.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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August 16, 1977

MEMORANDUM FOR: J. H. Sniezek, Assistant Director, Division of Reactor Operations Inspection

FROM: Karl R. Goller, Assistant Director for Operating Reactors

SUBJECT: TECHNICAL SPECIFICATION ACTION STATEMENTS

Your memo of May 6, 1977 requested guidance regarding the acceptability of licensees placing components or systems in an inoperable status as allowed by technical specification action statements for three purposes: ease of plant operations; plant modifications; and preventive maintenance (including surveillance). As you correctly note, some activities performed within the context of these categories may not be subject to a 30-day reporting requirement pursuant to Regulatory Guide 1.16.

Action statements were developed to accommodate those instances when equipment, components or other specific conditions of the specifications could not be met because of whatever reason. We recognized then, as well as now, that the potential existed for licensees to take advantage of these provisions in order to perform activities within the three categories you describe. At that time, we considered the following in order to restrict such activities:

- a. Limiting the length of time that specified components or systems may remain inoperable before further action would be required, and
- b. Limiting the number of times and/or the total cumulative length of time during a specified period of time that specified components or systems may be inoperable.

However, in view of the complex and extensive record keeping problems and the lack of an adequate data base from which to infer acceptable limiting outage periods, we did not consider the benefits to be gained justifiable when balanced against the increased effort required by licensees and I&E inspection personnel. Additionally, we believed that we would be able to remain cognizant of possible abuse of outage times through review of LER's, supplemented where necessary, by notification action of the I&E inspector assigned to each facility.

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August 16, 1977

Based upon our experience to date, we see no reason to modify our position on action statements or allowable outage times. We do, however, recognize the need for additional guidance regarding interpretation of that portion of the Technical Specifications relating to submission of 30 day reports for operation in degraded modes. We have prepared the enclosed interpretation to clarify the intent of items to be reported.

If you have further questions on this subject, you may contact J. Carter of my staff.

Karl R. Goller

Karl R. Goller, Assistant Director
for Operating Reactors
Division of Operating Reactors

Enclosure:
Interpretation

cc w/enclosure:
V. Stello
D. Eisenhut
H. Thornburg
K. Seyfrit
STS Group Members
OR Branch Chiefs