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Docket Number 50-346

License Number NPF-3

Serial Number 2560

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United States Nuclear Regulatory Commission
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Subject: Request for Interpretation Regarding the Applicability of the Technical Specification
4.0.2 Extension Allowance (TSIR 98-0002)

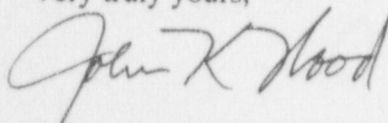
Ladies and Gentlemen:

The purpose of this letter is to request an NRC written interpretation of the Davis-Besse Nuclear Power Station, Unit Number 1, Operating License Number NPF-3, Appendix A, Technical Specifications, regarding the applicability of the 25% surveillance interval extension allowance of Technical Specification 4.0.2. The details of this request are provided in the enclosure.

This request is being submitted to the NRC pursuant to the guidance provided by the NRC in Information Notice 97-80, "Licensee Technical Specifications Interpretations," dated November 21, 1997 (Toledo Edison letter Log Number 1-3918) for obtaining a NRC-approved Technical Specification interpretation. A response is requested by December 23, 1998.

Should you have any questions or require additional information, please contact Mr. James L. Freels, Manager - Regulatory Affairs, at (419) 321-8466.

Very truly yours,



RWS/laj

Enclosure

cc: J. L. Caldwell, Acting Regional Administrator, NRC Region III
S. J. Campbell, DB-1 NRC Senior Resident Inspector
A. G. Hansen, DB-1 NRC/NRR Project Manager
Utility Radiological Safety Board

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**Request for Written Interpretation
Regarding the Applicability of
the Technical Specification 4.0.2 Extension Allowance**

The Davis-Besse Nuclear Power Station (DBNPS) is requesting that the NRC provide a written interpretation regarding the applicability of the Technical Specification 4.0.2 25% surveillance extension allowance to surveillances that are performed at regular intervals but which are worded in a way to suggest they are situational. The following provides background information, an explanation of the issue, and a statement of the requested interpretation.

Background:

Attached is a copy of the current Davis-Besse Nuclear Power Station Operating License, Appendix A Technical Specifications (TS) 4.0.2, 3/4.2.1, 3/4.2.4, 3/4.3.3.2 and their associated Bases.

TS 4.0.2 (Applicability - Surveillance Requirements) states:

Each Surveillance Requirement shall be performed within the specified time interval with a maximum allowable extension not to exceed 25 percent of the specified surveillance interval.

The associated Bases for TS 4.0.2 states, in part:

The provisions of this specification provide allowable tolerances for performing surveillance activities beyond those specified in the nominal surveillance interval. These tolerances are necessary to provide operational flexibility because of scheduling and performance considerations. The phrase "at least" associated with a surveillance frequency does not negate this allowable tolerance value and permits the performance of more frequent surveillance activities.

The allowable tolerance for performing surveillance activities is sufficiently restrictive to ensure that the reliability associated with the surveillance activity is not significantly degraded beyond that obtained from the nominal specified interval. It is not intended that the allowable tolerance be used as a convenience to repeatedly schedule the performance of surveillances at the allowable tolerance limit.

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Surveillance Requirement (SR) 4.2.1 (Power Distribution Limits - Axial Power Imbalance) states:

The AXIAL POWER IMBALANCE shall be determined to be within the limits provided in the CORE OPERATING LIMITS REPORT at least once every 12 hours when above 40% of RATED THERMAL POWER except when the AXIAL POWER IMBALANCE alarm is inoperable, then calculate the AXIAL POWER IMBALANCE at least once per hour.

SR 4.2.4 (Power Distribution Limits - Quadrant Power Tilt) states:

The QUADRANT POWER TILT shall be determined to be \leq the Steady State Limits provided in the CORE OPERATING LIMITS REPORT at least once every 7 days during operation above 15% of RATED THERMAL POWER except when the QUADRANT POWER TILT alarm is inoperable, then the QUADRANT POWER TILT shall be calculated at least once per 12 hours.

The Applicability for the Limiting Condition for Operation for TS 3.3.3.2 (Instrumentation - Incore Detectors) states, in part.

When the incore detection system is used for measurement of:

- a. The AXIAL POWER IMBALANCE.
- b. The QUADRANT POWER TILT.

SR 4.3.3.2.a (Instrumentation - Incore Detectors) states:

The incore detector system shall be demonstrated OPERABLE: By performance of a CHANNEL CHECK within 7 days prior to its use for measurement of the AXIAL POWER IMBALANCE or the QUADRANT POWER TILT.

An NRC internal memorandum dated May 18, 1988 (Reference 1) includes the following technical guidance (copy attached):

Clearly TS 4.0.2 was intended for application to regular surveillance intervals, intervals characterized by the wording "At least once per" a specified time interval (i.e., 15 minutes, 1 week, 31 days, etc.). A situational surveillance requirement is characterized by the wording "within" a specified time interval and is followed by a certain condition or situation (i.e., prior to startup, after control rod movement, after taking a sample, etc.). The wording of the situational surveillance requirement allows the specified surveillance to be performed at any time during the specified time interval. Therefore, the operational flexibility is already built into the situational surveillance which is not a regular surveillance interval, and TS 4.0.2 does not apply.

In some cases, a situational surveillance can become a regular interval surveillance temporarily because of circumstances. For example, during a period when the containment personnel airlock is being used every day, the situational surveillance "within 72 hours after airlock use" becomes a regular surveillance interval of "once per 72 hours." Under such conditions the flexibility of TS 4.0.2 can be applied.

Explanation of Issue:

The issue of interpretation is whether or not the 25% surveillance interval allowable extension of TS 4.0.2 applies to situationally-phrased SRs that are, in fact, required to be performed at regular intervals in order to support other TS.

Specifically, SR 4.3.3.2.a is worded as a situational surveillance (i.e., "within 7 days prior to its use"), rather than as a regular interval surveillance (e.g., "at least once per 7 days"). However, the incore system continuously measures axial power imbalance and quadrant power tilt for input to the plant annunciator alarms which are used to perform SR 4.2.1 and SR 4.2.4. In addition, the incore system is used to perform a manual surveillance of tilt and imbalance once every 7 days and 12 hours, respectively, when above the SR 4.2.1 and SR 4.2.4-specified rated thermal power levels.

Considering these periodic and continuous uses of the incore system, SR 4.3.3.2.a must actually be performed at a regular interval (i.e., at least once per 7 days) during power operation and it is reasonable that the 25% allowable extension of TS 4.0.2 should apply. The flexibility afforded by TS 4.0.2 for the scheduling of this and similar SRs, under the limitations described in the Bases to TS 4.0.2, would allow the more efficient utilization of staff resources.

The above-referenced NRC memorandum indicates that a SR worded as a situational surveillance can become a regular interval surveillance "temporarily" because of circumstances. However, it does not address those SRs that are worded as situational surveillances but which actually must be performed on a regular interval to support other periodically performed SRs.

Request for Written Interpretation:

The DBNPS requests a written TS interpretation from the NRC to clarify whether or not TS 4.0.2 applies to SRs phrased as situational surveillances, in particular SR 4.3.3.2.a, that are performed at regular intervals in order to support dependent, periodically performed SRs.

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Reference:

1. NRC Memorandum for Ted Quay (Senior Project Manager, Project Directorate III-1, Division of Reactor Projects-III,IV and Special Projects, NRR) from Robert J. Giardina (Reactor Engineer, Review and Assessment Section, Technical Specifications Branch, Division of Operational Events Assessment, NRR), "Fermi-2 Technical Specification Interpretations," May 18, 1988