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Senior Vice President  
& Principal Nuclear Officer

February 13, 1998

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)  
DOCKET NOS. 50-445 AND 50-446  
INTERPRETATION ON OUT-OF-SERVICE TIME FOR  
NON-TECHNICAL SPECIFICATION, IMPORTANT TO SAFETY  
SYSTEMS, STRUCTURES, AND COMPONENTS

REF: 1) NRC Information Notice 97-80, "Licensee Technical  
Specifications Interpretations" dated November 21, 1997

Gentlemen:

TU Electric has concluded that the position provided below is compliant with the literal meaning and intent of the applicable regulations and regulatory guidance. Consistent with the guidance provided in the referenced information notice<sup>1</sup>, TU Electric requests NRR review and concurrence with this position:

The allowed out-of-service time for non-TS equipment, which is important to safety and which is being removed from service for maintenance, to support maintenance of other equipment, or for plant modifications, should be consistent with the importance of the equipment to safety and the function(s) of the equipment.

Safety evaluations per 10 CFR 50.59 are not required for these activities if they are completed within an appropriate allowed out-of-service time although related activities (e.g., a permanent design modification which is being implemented) may require a safety evaluation.

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<sup>1</sup>The reference information notice discusses the proper way to resolve Technical Specification (TS) questions or to clarify TS requirements. One option is to formally request a written interpretation from the Office of Nuclear Reactor Regulation (NRR) regarding the intent of the TS requirement. TU Electric is pursuing a similar issue regarding the allowed out-of-service time for non-TS, important to safety equipment.

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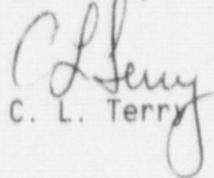
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Attachment 1 explains the logic and references used by TU Electric to come to this conclusion. Although portions of this position are already incorporated in the CPSES processes, TU Electric intends to implement a procedure which fully incorporates the position in about 90 days and requests NRC concurrence prior to then.

This communication contains no new licensing basis commitments regarding CPSES Units 1 and 2.

If you have questions concerning this letter, please contact Mr. Don Woodlan (254-897-6887) or Mr. Dennis Buschbaum (254-897-5851) of my staff.

Sincerely,

  
C. L. Terry

DRW/dw

c - E. W. Merschoff, Region IV  
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ALLOWED OUT-OF-SERVICE TIME  
FOR  
EQUIPMENT IMPORTANT TO SAFETY  
BUT NOT CONTROLLED  
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ALLOWED OUT-OF-SERVICE TIME  
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1.0 INTRODUCTION

TU Electric has concluded that the position provided below is compliant with the literal meaning and intent of the applicable regulations and regulatory guidance:

The allowed out-of-service time for non-TS equipment, which is important to safety and which is being removed from service for maintenance, to support maintenance of other equipment, or for plant modifications, should be consistent with the importance of the equipment to safety and the function(s) of the equipment.

Safety evaluations per 10 CFR 50.59 are not required for these activities if they are completed within an appropriate allowed out-of-service time although related activities (e.g., a permanent design modification which is being implemented) may require a safety evaluation.

Equipment that typically fall within the scope of this position include, but are not limited to:

Spent Fuel Pool Cooling,  
Instrument Air,  
AMSAC,  
Reactor Makeup Water,  
Safeguard Sump Pumps,  
Emergency Lighting,  
High Pressure Chemical Feed,  
Room 100 Ventilation System,  
UPS Room Fan Coolers,  
Environmental Qualification Barriers, And  
Condenser Off Gas Radiation Monitor.

These systems, and numerous other systems, structures and components (SSCs) covered in the Final Safety Analysis Report (FSAR) require maintenance and modification and the relative importance to safety determines the reasonable out-of-service periods.

## 2.0 RELATIONSHIP TO EQUIPMENT CONTROLLED BY THE TECHNICAL SPECIFICATIONS

It is recognized that all the systems, structures and components (SSCs) at a nuclear power plant serve one or more functions. Based on the functions required of a SSC, various graded levels of control are established.

### 2.1 SSCs Subject to TS

The highest level of control is the level established by the operating license through license conditions and the Technical Specifications (TS). For the functions controlled by the license, very specific controls are established. Allowed outage times and shutdown requirements are specified as appropriate. These controls are applied whether the degraded function is discovered due to an existing, as found condition or the function is intentionally degraded to perform a surveillance, maintenance, etc. Expectations have been provided concerning when it is not appropriate to intentionally degrade one of the functions covered by the license conditions or the Technical Specifications. Many SSCs are specifically identified in the TS and are clearly covered by the TS for the functions covered by the TS. Many other SSCs are not mentioned in the TS but provide support for these same functions and thus fall under the controls established in the TS.

### 2.2 Controls Consistent with Importance to Safety During Design and Construction

For the functions not covered by the license conditions and the TS, varying degrees of control have been established in design, construction and initial licensing. In some cases, the functions were required to be accomplished using safety related SSCs (e.g., seismic monitoring). In other cases, licensees were allowed to use non-safety SSCs (e.g., High Energy Line Break (HELB) safe shutdown, Station Black-Out (SBO)). In some cases, single failure was a criteria for design (e.g., HELB, except for the system with the break) and other cases it was not (e.g., SBO). These varying criteria reflect the NRCs and industry's assessment of the significance and likelihood of the scenario that the function was addressing. Inherent in the decisions concerning the design and construction requirements was the recognition that these SSCs would also be controlled differently (based on the functions provided) when the units were operating.

### 2.3 Guidance in Generic Letter 91-18

Generic Letter (GL) 91-18 provides guidance for the control of TS and non-TS SSCs. Generic Letter 91-18, which deals with degraded and nonconforming conditions and operability, provides two separate courses of action. For the TS functions, the GL directs the licensee to follow the TS. For non-TS functions, the GL directs action based on providing a reasonable assurance of safety, taking into consideration factors such as: availability of redundant or backup equipment; compensatory measures including limited administrative controls; safety function and events protected against; conservatism and margins; probability of needing the safety function; PRA or Individual Plant Evaluation (IPE) results; and how operating the facility in the manner

proposed will impact the core damage frequency. If it had been intended that non-TS functions be controlled with the same rigor as the TS functions, a set of controls would have been prepared and attached to the license and Generic Letter (GL) 91-18 would have been written differently.

#### 2.4 Control Consistent with Importance to Safety During Operation

Many of the non-TS functions and the SSCs that provide these functions are described in the FSAR. The FSAR may describe the SSCs, the functions, and the expected impact of the functions. Implicit in all the FSAR descriptions and analyses is that the controls in the TS and as described by GL 91-18 will be followed. Although the GL primarily applies to "as found" degraded and nonconforming conditions, similar logic should also be applied when a licensee decides to temporarily degrade a function intentionally for a period of time (e.g., to perform maintenance, to implement a design modification, etc.). As part of the design and analysis of the unit, and as part of the NRC's review, it was recognized that SSCs may become temporarily degraded either unintentionally (e.g., equipment failure) or due to actions by the licensee (e.g., to perform maintenance). The SSCs related to TS functions would be strictly controlled by the TS and the other functions should be controlled in an appropriate although usually less strict manner. The SSCs related to non-TS functions should be controlled in a manner that takes into consideration a reasonable assurance of safety as describe in GL 91-18.

To apply stricter controls to equipment not controlled by the Technical Specifications would be illogical and would represent a dichotomy in the regulations. The dichotomy would be that if a licensee were performing a plant modification which required making a component covered by the TS inoperable, the licensee could do so as long as the licensee did not exceed the allowed outage time of the TS. If the plant modification required the licensee to make a non-TS component inoperable and if the licensee chose to perform a 10 CFR 50.59 evaluation, it might be a USQ, even if that component was inoperable for only moments, because the consequences of an accident previously evaluated in the SAR (e.g., flooding, moderate energy line break, non-TS HELB) may increase. (The same results would be true for that component if it were found in a degraded condition and a 10 CFR 50.59 evaluation was performed). In other words, licensees have the authority to make the more significant equipment inoperable without NRC approval but would not have the authority to make the less safety significant equipment inoperable if 10 CFR 50.59 were applied. Another dichotomy would be that licensees have the authority to make those same less significant components inoperable to perform maintenance on the components and licensees may continue to operate the plant, per GL 91-18, based on an evaluation of safety significance if the same components are discovered to be inoperable, but, if the proposed position for non-TS equipment important to safety is not accepted, the licensee may not take that equipment out-of-service to implement a design modification which may ultimately offer a safety improvement.

### 3.0 REGULATORY GUIDANCE

The following information, extracted from various NRC and industry sources, is intended to support a conclusion that non-TS, important to safety equipment in the current licensing basis (e.g., EQ Barriers) is allowed to be intentionally taken out-of-service to perform maintenance, support maintenance on other equipment, and to perform modifications. Generic Letter 91-18, the NRC Inspection Manual and the Maintenance Rule with the endorsed standards, clearly state this for maintenance and to support maintenance on other equipment. Explicit statements for out-of-service limitations for modifications is lacking, but reasonable logic would indicate that this is commensurate with safety. For all three situations (maintenance, support of maintenance and design modification performance), taking the equipment out of service does not represent a change in the plant, either of a permanent or a temporary nature. This equipment was designed to be taken out of service (e.g., the removal of floor plugs to move equipment or de-energizing a motor to repair or replace bearings). Even though these situations are not a change in the plant (thus not requiring a 10 CFR 50.59 safety evaluation) and were anticipated as part of the plants design, the allowed out-of-service time for the equipment must be limited to be consistent with the importance of the equipment to safety and the function(s) of the equipment. The documents referenced and quoted below support this position. In addition, a portion of an SER issued to Vogtle is provided to support the conclusion that support systems such as EQ Barriers for high energy line breaks outside containment are non-TS.

#### 3.1 Generic Letter 91-18

Provided below is a discussion on operability and maintenance as detailed in GENERIC LETTER 91-18 of November 7, 1991 (attached NRC Inspection Manual, PART 9900: TECHNICAL GUIDANCE, "OPERABLE/OPERABILITY: ENSURING THE FUNCTIONAL CAPABILITY OF A SYSTEM OR COMPONENT"). This discussion provides guidance on preventive maintenance for TS and non-TS equipment.

#### 6.4 Operability During TS Surveillances and Preventive Maintenance

*During preventive maintenance (PM), equipment may be removed from service and rendered incapable of performing the function(s) specified for safety. This equipment is clearly inoperable. For equipment subject to the Technical Specifications (TS), the PM activity and any other action that may be required by the Limiting Conditions for Operation (LCOs), is expected to be completed within the Allowed Outage Time (AOT). For safety equipment not subject to the TS either explicitly by direct inclusion in the TS or implicitly through the definition of operability, the licensee's PM activities should be consistent with the importance of the equipment to safety and the function(s) of the equipment and a reasonable time goal should be set to complete the PM.*

*In all cases, care should be exercised in removing equipment from service for PM to avoid accumulating long out-of-service times of safety trains.*

The licensee should reestablish operability before the equipment is returned to service. The licensee also may need to reestablish operability for systems or components, in whole or in part, that are actively dependent upon the equipment undergoing the PM activity. The need for testing to reestablish operability should be based on a reasonable judgment about how the inoperable equipment may have been affected. If retesting to reestablish operability is not possible or practicable because of safety concerns, analysis or other means should be used to demonstrate operability.

If TS surveillances require that safety equipment be removed from service and rendered incapable of performing its safety function, the equipment is inoperable. The LCO action statement shall be entered unless the TS explicitly direct otherwise. Upon completion of the surveillance, the licensee should verify restoration to operable status of at least those portions of the equipment or system features that were altered to accomplish the surveillance.

NOTE: With regard to surveillances or other similar activities (such as inservice testing) that render systems inoperable for extended periods (i.e., those that may exceed the Allowed Outage Time (AOT)), licensees must have prior NRC approval by license amendment for the surveillance requirement or redefine the tests. It is not the intent of surveillances or other similar program requirements to cause unwarranted plant shutdowns or to unnecessarily challenge other safety systems.

See "Maintenance - Voluntary Entry into Limiting Conditions for Operation Action Statements to Perform Preventive Maintenance," NRC Inspection Manual, Part 9900, Technical Guidance.

### 3.2 NRC Inspection Manual, Chapter 9900 on Voluntary Entry into Action Statements

The following discussion is quoted from NRC Inspection Manual, Chapter 9900, "MAINTENANCE - VOLUNTARY ENTRY INTO LIMITING CONDITIONS FOR OPERATION ACTION STATEMENTS TO PERFORM PREVENTIVE MAINTENANCE". This discussion provides additional information on when it is appropriate, based on safety, to perform preventive maintenance during power operations.

#### C. DISCUSSION

A licensee may take equipment out of service to perform PM during power operation of the facility (on-line PM) if it expects the reliability of the equipment to improve such that the overall risk to safe operation of the facility should decrease. Licensees' expectations should take into account that such practice may increase the unavailability of the equipment. When performing PM on equipment not in TS (i.e., equipment that has no TS AOT), licensees should be sensitive to the principles embodied by the TS definition of OPERABILITY and the effect upon the OPERABILITY of TS equipment.

If a licensee has a reasonable expectation that an on-line PM program will improve safety by making equipment more reliable, then the licensee can implement that program even though it may increase the unavailability of equipment. The licensee should be able to justify such an expectation of improved safety. Part of this justification should be based upon adherence to the following conservative safety principles:

1. Performance of a PM action on-line rather than during shutdown should improve safety (as described above) and be warranted by operational necessity, not just by the convenience of shortening a refueling outage.
2. The licensee should not abuse the allowance to perform a PM action on-line by repeatedly entering and exiting LCO action statements. The licensee should carefully plan the PM action to prevent such abuse.
3. While performing an on-line PM action, the licensee should avoid removing other equipment from service. Confidence in the OPERABILITY of the independent equipment that is redundant (or diverse) to the affected equipment should be high. If a piece of equipment is OPERABLE, but is degraded, or is trending towards a degraded condition, the licensee should not remove its redundant counterpart equipment from service for a routine PM action.
4. While performing an on-line PM action, the licensee should avoid performing other testing or maintenance that would increase the likelihood of a transient. The licensee should have reason to expect that the facility will continue to operate in a stable manner. (The basis of this expectation should include a consideration of degraded or out of service balance of plant equipment.)

### 3.3 NEI 96-07

NEI 96-07 (September 1997) contains the following discussion on the difference between a change in the facility and maintenance:

#### 4.1.1 Changes In The Facility As Described In The Safety Analysis Report

10 CFR 50.59 only requires 10 CFR 50.59 safety evaluations for changes to the facility which affect the design, function or method of performing the function of a structure, system or component (SSC) described in the SAR either by text, drawing, or other information relied upon by the NRC...

An important consideration is the necessity to distinguish changes from maintenance activities. Maintenance activities are not required to be reviewed under 10 CFR 50.59. Maintenance includes calibration, refurbishment, replacement with an equivalent component, and housekeeping. However, if components described in the SAR are permanently removed, or

*their function is altered, or if changes remain following completion of a maintenance activity, the activity is no longer considered to be maintenance and would be subject to a 50.59 review.*

*There are some plant activities that may not be clearly maintenance or a plant modification. An example would be plant heat exchanger tube plugging where limits are not specified. It may be necessary to do an analysis to assure that normal and accident heat removal capability is preserved and pumps continue to deliver adequate flow with some tubes plugged. For PWs, steam generators have an allowable tube plugging limit that is defined by the SAR, Chapter 15, Accident Analysis. If this limit is to be exceeded, an evaluation will be necessary. Systems or components removed from service for maintenance are covered by the technical specification for allowable outage times, permissible mode conditions, and permitted reduction in redundancy. Therefore, a 10 CFR 50.59 evaluation need not be performed for these activities. Systems or components that are taken credit for in the Chapter 15 Safety Analysis and for which allowed outage times are not included in the Technical Specifications, can also be removed from service for maintenance in accordance with the requirements of 10 CFR 50.65, the maintenance rule, and a 10 CFR 50.59 safety evaluation need not be performed.*

#### 3.4 NUMARC 93-01 and Regulatory Guide 1.160

Another definition of maintenance is contained in NUMARC 93-01, Revision 2, which is endorsed by Regulatory Guide 1.160, Revision 2, "Industry Guidelines for the monitoring the effectiveness of Maintenance at Nuclear Power Plants," dated March 1997.

*Maintenance: The aggregate of those functions required to preserve or restore safety, reliability, and availability of plant structures, systems, and components. Maintenance includes not only activities traditionally associated with identifying and correcting actual or potential degraded conditions, i.e., repair, surveillance, diagnostic examinations, and preventive measures; but extends to all supporting functions for the conduct of these activities. (Source: Federal Register Vol. 53, No. 56, Wednesday, March 23, 1988, Rules and Regulations/Page 9340).*

NUMARC 93-01, Section 11, also describes "...an approach to assess the impact on overall plant safety functions upon removal of SSCs from service." It provides for a safety assessment but not a 10 CFR 50.59 evaluation. This is consistent with the general agreement that maintenance does not require a 10 CFR 50.59 evaluation. The safety assessment is consistent with the guidance provided in Generic Letter 91-18 and the Inspection Manual relative to observing the relative importance to safety and the principles of operability.

### 3.5 SECY-97-205

The information below, concerning equipment replacement and maintenance, is provided in SECY-97-205 dated September 10, 1997, and titled "INTEGRATION AND EVALUATION OF RESULTS FROM RECENT LESSONS-LEARNED REVIEWS":

*With respect to specific comments, six of the 22 topic areas generated most of the comments. The more prevalent or significant differences are discussed below. (The staff has not yet completed its analysis of the comments or the proposed resolutions; therefore, an item-by-item response is not available at this time.)*

#### (1) *Definition of Change (III.A)2*

*Commenters thought that the staff's guidance was too restrictive in that the definition of "changes" included replacement equipment that is not identical. Many proposed that if the replacement were functionally identical or procured to the same specifications, it should not require a 10CFR 50.59 evaluation. (The staff was concerned, however, that such functional equivalence might not account for equipment differences that introduce malfunctions of a different type or have unanticipated effects on the plant.)*

*Another issue regarding the staff's guidance was that NRC review is required for changes involving removal of equipment from service for maintenance (not already addressed by technical specifications or the safety analysis report). Many commenters stated that these actions should be governed by the requirements of the Maintenance Rule (10 CFR 50.65).*

### 3.6 NRR letter of January 9, 1998

Letter, NRC (Collins) to NEI (Beedle) January 9, 1998 Subject: NEI 96-07 Guidelines for 10CFR50.59 Safety Evaluations, provided the following clarifications:

*P. 4-2. (and pp.4-9, 4-11), "equivalent components." In one place, guidance would suggest equivalent components do not need review; other guidance gives aspects to examine that would relate to "equivalency." Equivalent performance specifications would provide assurance that intended functions are satisfied, but how are new failure modes identified?*

*P. 4-2. Although the staff would agree, in general, that removal of equipment from service to perform maintenance activities does not require a 10CFR50.59 evaluation, some clarifications are appropriate with respect to issues such as extended periods when equipment is out of service (de facto licensing-basis changes) or the activities necessary to conduct maintenance that might involve USQs (heavy loads, different operating configurations).*

### 3.7 Vogtle SER

The following discussion is from the Vogtle SER (which approved the conversion of the Vogtle Technical Specifications to the improved Standard Technical Specifications) in which the NRC staff accepts relocating the requirements for the high energy line break mitigation systems (includes the equivalent of the DPSES auxiliary steam, blowdown and letdown isolation), originally in their Technical Specifications (TS), to the TRM. If the active features that preserve environmental qualification are not TS then the passive barriers should not be either. This confirms that EQ barriers are non-TS related SSCs.

*[E]xisting LCO requirements that fall within or satisfy any of the criteria in the Final Policy Statement should be retained in the TS; those LCO requirements that do not fall within or satisfy those criteria may be relocated to licensee-controlled documents. The Commission codified the four criteria when it revised 10 CFR 50.36 (60 FR 36593, July 19, 1995). These four criteria are as follows:*

#### Criterion 1

*Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.*

#### Criterion 2

*A process variable, design feature, or operating restriction that is an initial condition of a design basis accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.*

#### Criterion 3

*A structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a design basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.*

#### Criterion 4

*A structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety.<sup>2</sup>*

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<sup>2</sup>The Commission promulgated a proposed change to 10 CFR 50.36, pursuant to which the rule would be amended to codify and incorporate these criteria (59 FR 48180, September 20, 1994). The Commission's Final Policy Statement specified that LCOs for Reactor Core Isolation Cooling, Isolation Condenser, Residual Heat Removal, Standby Liquid Control, and Recirculation Pump Trip are to be included in the TS under Criterion 4 (58 FR 39132). The Commission solicited public comments on the scope of Criterion 4, in the pending rulemaking.

In its license amendment application, the licensee proposed changes to CTS requirements using the Final Policy Statement, 10 CFR 50.36(c)(2), and the STS as guidance. Some of the specifications proposed by the licensee differ from the STS because of differences between the plant-specific licensing basis and the design basis provided in the STS Bases.

Part III of this safety evaluation explains the staff's conclusion that the conversion of the VEGP Units 1 and 2 CTS to those based on the STS, as modified by plant-specific changes, is consistent with the VEGP current licensing basis and the requirements and guidance of the Final Policy Statement and 10 CFR 50.36.

### III EVALUATION

#### 3.0 LIMITING CONDITIONS FOR OPERATION (LCOs) AND ASSOCIATED APPLICABILITY, ACTION REQUIREMENTS (ACTIONS) AND SURVEILLANCE REQUIREMENTS (SRs)

#### 3.5 Relocated Specifications

##### 3/4.3 Instrumentation

##### (7) High-Energy Line Break Isolation Sensors

The high-energy line break isolation sensors are installed to detect, and initiate protective actions against a line break. This capability is required to prevent damage to safety-related systems and structures in the auxiliary building in the vicinity of the steam electric boiler, the steam generator blowdown line, and the letdown line isolation valves. The sensors are installed on the electric steam boiler line, the steam generator blowdown line, and the chemical and volume control system letdown line. If a break occurs in one of these lines containing high energy steam or water, these sensors will initiate isolation of the affected line to prevent damage to any safety-related equipment in the vicinity of the line break. The ACTIONS of CTS 3/4.3.3.11 require suspending operation of the steam electric boiler if one [of] its sensors is inoperable for 7 days. In the event of a sensor being inoperable for 7 days in one of the other systems, the ACTIONS require a plant shutdown to MODE 3. These action requirements are based on minimizing the time the systems are vulnerable to an undetected and unisolated high-energy line break. They are also based on the operational consideration of maintaining proper primary and secondary chemistry control during plant operation. This is not possible when these systems are isolated. Although this LCO and the associated action and surveillance requirements are important for the reasons given, these sensors do not satisfy any of the Policy Statement criteria. Since none of the lines monitored are part of the reactor coolant system (RCS) pressure boundary, these sensors cannot be used to detect degradation of this boundary. The temperatures measured by these sensors are not used as initial conditions of a DBA or transient that assumes a failure of or challenge to the integrity of a fission

*product barrier. Neither do these sensors function as a part of the primary success path to mitigate a DBA or transient that assumes a failure of or challenge to the integrity of a fission product barrier. Therefore, CTS 3/4.3.3.11 may be relocated to the TRM."*

The allowed outage time in Vogtle TRM, with one or more channels of this instrumentation inoperable, is 7 days. It is logical that if these active specific systems designed to mitigate the effects of line breaks do not belong in TS and may be controlled outside of the TS, the passive EQ barriers may also be controlled outside of TS and the position on controlling non-TS important to safety equipment applies.

#### 4.0 CONCLUSION

In summary, the proposed position on the out-of-service time for non-TS equipment important to safety is consistent with the controls established for TS controlled equipment and the guidance provided by GL 91-18 for non-TS equipment important to safety which is found to be temporarily degraded. This position focuses on safety and provides for action which is commensurate with the safety impact of the activity. Without this position licensees may be forced to employ controls for the non-TS equipment which are more restrictive than the controls applied to the more safety significant TS related equipment. Such restrictions create pressure to employ "work arounds" or to avoid the activity, which may have the end result that activities (e.g. design modifications) which enhance safety are delayed or not performed at all.

The proposed position is consistent with the current regulations and regulatory guidance. The out-of-service time to perform maintenance is explicitly addressed in the regulatory documents in the same manner as discussed in the position. The out-of-service time to perform maintenance on other equipment is developed in the regulatory documents associated with the maintenance rule and is consistent with this position. The out-of-service time to perform design modifications is a logical extension of the available, existing regulatory guidance and is the sensible conclusion which promotes safety.

## 5.0 REFERENCES

- 5.1 GENERIC LETTER 91-18 of November 7, 1991 (attached NRC Inspection Manual, PART 9900: TECHNICAL GUIDANCE, "OPERABLE/OPERABILITY: ENSURING THE FUNCTIONAL CAPABILITY OF A SYSTEM OR COMPONENT")
- 5.2 NRC Inspection Manual, Chapter 9900, "MAINTENANCE - VOLUNTARY ENTRY INTO LIMITING CONDITIONS FOR OPERATION ACTION STATEMENTS TO PERFORM PREVENTIVE MAINTENANCE"
- 5.3 NEI 96-07, "Guidelines for 10 CFR 50.59 Safety Evaluations", (September 1997)
- 5.4 NUMARC 93-01, Revision 2 which is endorsed by Regulatory Guide 1.160, Revision 2 dated March 1997, "Industry Guidelines for the monitoring the effectiveness of Maintenance at Nuclear Power Plants."
- 5.5 SECY-97-205 dated September 10, 1997, and titled "INTEGRATION AND EVALUATION OF RESULTS FROM RECENT LESSONS-LEARNED REVIEWS"
- 5.6 Letter, NRC (Collins) to NEI (Baedle) January 9, 1998 Subject: NEI 96-07 Guidelines for 10 CFR 50.59 Safety Evaluations
- 5.7 Vogtle SER (which approved the conversion of the Vogtle Technical Specifications to the improved Standard Technical Specifications) related to Amendment No. 96 to Facility Operating License NPF-68 and Amendment No. 74 to Facility Operating License NPF-01, Georgia Power Company, et al., Vogtle Electric Generating Plant, Units 1 and 2, Docket Nos. 50-424 and 50-425