

and managed. The industry guidance for implementation of (a)(4), the revised Section 11 of NUMARC 93-01, as endorsed by NRC Regulatory Guide 1.182, is more restrictive. Section 11 states that configurations for which the incremental core damage probability (ICDP) is greater than 10EXP-5 should not be entered voluntarily. While the regulatory guidance is not a regulatory requirement with respect to compliance with 10 CFR 50.65(a)(4), the requirements associated with the proposed change to TS 3.0.4 are a different matter.

Unlike (a)(4), the revised TS 3.0.4 is intended to ensure that high-risk configurations are not allowed; although like (a)(4), the TS is also intended to ensure that any risk that is allowed is adequately managed. Therefore, mode changes with a potentially "higher-risk system" inoperable (see definition of "higher risk system" in the SE) are prohibited by the TS; and in addition to this restriction, the revised TS 3.0.4 will also require licensees to comply in all other respects with their programs established to implement 10 CFR 50.65(a)(4). Note that the Commission has determined that such a program is a satisfactory replacement for a configuration risk management program (CRMP). With regard to the basis for treatment of RG 1.182 provisions, it is noted that: (1) The regulatory guide is one way to meet the TS requirements; (2) the licensee would commit to follow RG 1.182 in the TS Bases (see also the staff's response to Comment No. 12); and, (3) if the licensee did not follow RG 1.182, the ROP would inspect the licensee's process for acceptability.

With regard to ROP inspection findings in support of the requirements in the proposed change to TS 3.0.4, the associated TS Bases will reference the provisions of certain regulatory guides and the industry guidance that they endorse. This will, in effect, make a licensee's compliance with the provisions of certain otherwise voluntary industry guidance documents be governed by the TS Bases Control Program. It is envisioned that the significance of this potential TS violation, to the extent that the violation involves inadequate risk assessment and/or inadequate risk management, will be determined in a manner similar to that in which the significance of (a)(4) violations is determined. When issued, the specialized significance determination process (SDP) designed for (a)(4) violations would be used under such circumstances.

Dated at Rockville, Maryland, this 28th day of March 2003.

For the Nuclear Regulatory Commission.
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Model Safety Evaluation

1.0 Introduction

On July 17, 2002, the Nuclear Energy Institute (NEI) Risk Informed Technical Specifications Task Force (RITSTF) submitted proposed change, TSTF-359, Revision 7, to the standard technical specifications (STS) (NUREGs 1430-1434) on behalf of the industry. TSTF-359, Revision 7, is a proposal to change the STS Limiting Condition for Operation (LCO) 3.0.4 and Surveillance Requirement (SR) 3.0.4 requirements regarding mode change limitations. The proposed change would modify LCO 3.0.4 and SR 3.0.4 by risk informing limitations on entering the mode of applicability of a LCO. The first Consolidated Line Item Improvement Process (CLIIP) **Federal Register** Notice with respect to this change was published on August 2, 2002, requesting public comments. In response to the public comments, the NRC staff decided that TSTF-359, Revision 7, be revised. The RITSTF submitted TSTF-359, Revision 8, on December 4, 2002. Two additional changes were deemed necessary. The NRC staff has prepared this revised model safety evaluation incorporating changes resulting from public comments. TSTF-359, Revision 8, as modified, provides the complete approved change. This proposal is one of the industry's initiatives under the risk-informed technical specifications program. These initiatives are intended to maintain or improve safety while reducing unnecessary burden and to make technical specification requirements consistent with the Commission's other risk-informed regulatory requirements, in particular the maintenance rule.

The current technical specifications (TS) specify that a nuclear power plant cannot go to higher modes of operation² (i.e., move towards power operation) unless all TS systems, normally required for the higher mode, are operable. This limitation is included (with several exceptions for some plants) in LCO 3.0.4 and SR 3.0.4. LCO 3.0.4 and SR 3.0.4 in the STS currently state in part that when an LCO or SR is not met, "entry into a MODE or other specified condition in the applicability shall not be made except when the

associated actions to be entered permit continued operation in the MODE or other specified condition in the applicability for an unlimited period of time." The industry believes that this requirement is unnecessarily restrictive and can unduly delay plant startup while considerable resources are being used to resolve startup issues that are risk insignificant or low risk. A maintenance activity that takes longer than planned can delay a mode change and adversely impact a utility's orderly plant startup and return to power operation. The objective of the proposed change is to provide additional operational flexibility without compromising plant safety.

The proposed changes to LCO 3.0.4 and SR 3.0.4 would allow, for systems and components, mode changes into a TS condition that has a specific required action and completion time. The licensee will utilize the LCO 3.0.4 and SR 3.0.4 allowances only when they determine that there is a high likelihood that the LCO will be satisfied within the LCO completion time (CT), after the mode change. In addition, the LCO 3.0.4 and SR 3.0.4 allowances can be applied to values and parameters in specifications when explicitly stated in the TS (non-system/component TS such as: Reactor Coolant System Specific Activity). These changes are in addition to the current mode change allowance when a required action has an indefinite completion time. The LCO 3.0.4 and SR 3.0.4 mode change allowances are not permitted for the systems and components (termed "higher risk") listed in Section 3.1.1, "Identification of Risk-Important TS Systems and Components," for the modes specified. Two examples are: (1) Westinghouse plants cannot transition from Mode 5 to Mode 4 without a High Head Safety Injection System train operable; and, (2) Westinghouse plants cannot transition up into any mode with an inoperable required emergency diesel generator.

2.0 Regulatory Evaluation

In 10 CFR 50.36, the Commission established its regulatory requirements related to the content of TS. Pursuant to 10 CFR 50.36, TS are required to include items in the following five specific categories related to station operation: (1) Safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements (SRs); (4) design features; and (5) administrative controls. The rule does not specify the particular requirements to be included in a plant's TS. As stated in 10 CFR 50.36(c)(2)(i), the "Limiting conditions for operation

² MODE numbers decrease in the transition "up to a higher mode of operation;" power operation is MODE 1.