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SUBJECT: Discusses differences & documents util position concerning
 reportability of missed surveillances on 960224 of TS & IST
 at Ginna Station per Amend 61.

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ROBERT C. MECREDY

Vice President
Nuclear Operations

May 14, 1996

U.S. Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, PA 19406Subject: Reportability of Missed Technical Specification and Inservice Testing Surveillances
Rochester Gas & Electric Corporation
R.E. Ginna Nuclear Power Plant
Docket No. 50-244

Gentlemen;

On February 24, 1996, RG&E implemented the Improved Standard Technical Specifications (ISTS) at Ginna Station per Amendment No. 61. As a result of this conversion, an issue has been raised with respect to the reportability of missed technical specification and inservice testing (IST) surveillances per 10 CFR 50.73. This issue is due to the fact that previous NRC guidance in this area (NUREG-1022) does not specifically apply to the ISTS in several areas. The purpose of this letter is to discuss these differences and document RG&E's position concerning reportability of these missed surveillances.

In 1994, the NRC published a second draft, revision 1 to NUREG-1022. The purpose of NUREG-1022 was to consolidate NRC reporting guidelines with respect to 10 CFR 50.72 and 50.73 into one document to help achieve consistency within the nuclear power industry. NUREG-1022 was developed using standard technical specifications (STS) which preceded the ISTS. There are several differences between these two versions of technical specifications which create discrepancies when attempting to use the guidance of NUREG-1022, especially for the reportability of missed technical specifications and IST surveillances. These differences are discussed in detail below.

In STS, the relevant specifications in question are 4.0.1 and 4.0.3. These are restated below for discussion purposes:

- 4.0.1 Surveillance Requirements shall be met during the OPERATIONAL MODES or other conditions specified for individual Limiting Conditions for Operation unless otherwise stated in an individual Surveillance Requirement.

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- 4.0.3 Failure to perform a Surveillance Requirement within the allowed surveillance interval; defined by Specification 4.0.2, shall constitute noncompliance with the OPERABILITY requirements for a Limiting Condition for Operation. The time limits of the ACTION requirements are applicable at the time it is identified that a Surveillance Requirement has not been performed. The ACTION requirements may be delayed for up to 24 hours to permit the completion of the surveillance when the allowable outage time limits of the ACTION requirements are less than 24 hours. Surveillance Requirements do not have to be performed on inoperable equipment.

In summary, per Specifications 4.0.1 and 4.0.3, if the surveillance frequency for a component is exceeded, the subject component must be declared inoperable and the limiting condition for operation (LCO) entered; however, a delay period of up to 24 hours is provided before the associated ACTIONS must be performed.

With respect to reportability, the bases for Specification 4.0.3 state that "the failure to perform a surveillance within the provisions of Specification 4.0.2 is a violation of a Technical Specification requirement and is, therefore, a reportable event under the requirements of 10 CFR 50.73(a)(2)(i)(B) because it is a condition prohibited by the plant's Technical Specifications." NUREG-1022 further expands on this by stating that a missed technical specification or IST surveillance must be reported when "enough time has elapsed that, as a result of the missed surveillance, a TS controlled system must be declared inoperable and the LCO action statement has been exceeded." That is, an LER is required if the time period between the last test and the test being performed is greater than the specified testing interval (multiplied by 1.25 per Specification 4.0.2) plus the completion time for restoring the affected component to operable status. In this instance, the affected component may be inoperable for a longer period of time than the STS would allow (i.e., the plant is in a condition prohibited by technical specifications).

In ISTS, there are significant differences from Specifications 4.0.1 and 4.0.3. The new versions of these Specifications are restated below from the Ginna Station technical specifications:

- SR 3.0.1 SRs shall be met during the MODES or other specified conditions in the Applicability for individual LCOs, unless otherwise stated in the SR. Failure to meet a SR, whether such failure is experienced during the performance of the Surveillance or between performances of the Surveillance, shall be failure to meet the LCO: Failure to perform a Surveillance within the specified Frequency shall be failure to meet the LCO except as provided in SR 3.0.3. Surveillance do not have to be performed on inoperable equipment or variables outside specified limits.

SR 3.0.3

If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is less. This delay is permitted to allow performance of the Surveillance. If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

Therefore, per SR 3.0.1 and 3.0.3, if a surveillance frequency is exceeded, a delay period of up to 24 hours is provided in order to perform the surveillance prior to declaring any component inoperable and the LCO not met. This is a significant difference from STS in which the component is first declared inoperable and then a 24 hour delay is provided prior to performing the required actions. In addition, with respect to reportability of a missed surveillance, there is no longer any discussion in the bases for SR 3.0.3.

Based on these differences, it is RG&E's position that a missed surveillance test is not a reportable event (i.e., LER) per the ISTS. At no time is the plant outside the technical specifications in this instance since no equipment is declared inoperable until the allowed delay period from time of discovery has been exceeded (e.g., 24 hours) or the surveillance is failed upon its performance. These actions are specifically provided by SR 3.0.3 which is part of the technical specifications per 10 CFR 50.36. In addition, a missed surveillance is typically an administrative issue that does not directly affect plant operation unless the affected component is failed. Therefore, if upon performance of the missed surveillance a required component is discovered inoperable, an LER will be generated in accordance with the guidance provided in NUREG-1022 since the component may have been inoperable for a longer period of time than allowed by the ISTS.

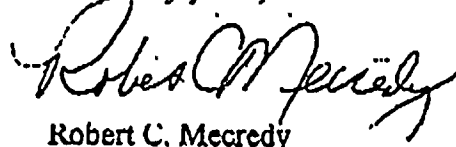
It is noted that if a missed surveillance test indicates a substantial breakdown in the surveillance testing program (e.g., surveillance test has never been performed), it would be reported per 10 CFR 50.73(a)(2)(i)(B). This is consistent with NUREG-1022 guidance for reportability of administrative control related errors. Since the IST program requirements are in the administrative controls section in ISTS (versus Specification 4.0.5 per STS), this guidance would also apply to missed or deficient IST program requirements.

Therefore, effective February 24, 1996, RG&E will only generate an LER per 10 CFR 50.73 upon a missed technical specification or IST surveillance if:

- (1) A component must be declared inoperable and the time period between two successful surveillance tests is greater than 1.25 times the specified frequency plus the completion time for restoring the component to operable status; or.
- (2) The missed surveillance(s) indicate a substantial breakdown in the surveillance testing program.

Please contact George Wrobel, Manager of Nuclear Safety and Licensing at (716) 724-8070 if you require any further information. RG&E would like to suggest that the NRC consider these issues in any future revisions of NUREG-1022

Very truly yours,



Robert C. Mecredy

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