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Subject: Feedback on Interaction of IST and 10 CFR 50.69
Date: Thursday, July 01, 2021 3:20:00 PM

During the May 2021 quarterly meeting (ADAMS Package Accession No. ML21126A068), the Technical Specifications Task Force (TSTF) members suggested that the definition of "Inservice Testing Program" in the technical specifications (TSs) for some nuclear power plants might be sufficiently broad to allow the use of the alternative treatment of the Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.69 program to modify the TS surveillance requirements (SRs) for structures, systems and components (SSCs) with low safety significance (RISC-3 SSCs) and non-safety-related SSCs with low safety significance (RISC-4 SSCs) within the scope of 10 CFR 50.69. Specifically, the TSTF suggested that licensees who adopted TSTF-545 may not need a license amendment to modify their TS SRs for RISC-3 and RISC-4 SSCs, because the scope of 10 CFR 50.69 would allow the use of the alternative without a TS change.

While the NRC staff agrees that there are flexibilities in the 10 CFR 50.69 program, the staff purposely did not review the impact of 10 CFR 50.69 on TS during the rulemaking process or on plant-specific TSs (see 69 FR 68008, dated November 22, 2004) during the plant-specific 50.69 adoptions, and does not agree that licensees can modify the implementation of their TSs without a license amendment request. Therefore, the NRC staff believes that licensees doing so without an approved license amendment could be vulnerable to enforcement action and recommends the TSTF consider developing a traveler proposing Standard Technical Specification changes similar to those approved for the Limerick nuclear power plant (ADAMS Accession No. ML20160A459). Please let me know if you'd like to have a teleconference to discuss the issue further.

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"Keep Calm and Tech Spec On"

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