

June 21, 2000

MEMORANDUM TO: John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

FROM: Suzanne C. Black, Deputy Director */RA/*  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF PUBLIC MEETING HELD ON MAY 18, 2000, BETWEEN  
NRC STAFF AND INDUSTRY LICENSING ACTION TASK FORCE TO  
DISCUSS THE PROPOSED PROCESS REGARDING UNINTENDED  
TECHNICAL SPECIFICATION ACTIONS

Members of the staff of the U.S. Nuclear Regulatory Commission (NRC) hosted a meeting with representatives of the Nuclear Energy Institute (NEI) and licensees comprising the Licensing Action Task Force (LATF) on May 18, 2000, at NRC Headquarters in Rockville, Maryland. The topic of this discussion was limited to a proposed process for handling unintended technical specification actions (UTSA). This meeting, which was open to the public, was held to discuss issues surrounding the ability of the proposed process to meet statutory and regulatory requirements. NRC's Office of the General Counsel (OGC) distributed comments on the acceptability of this proposed process at the December 1, 1999, LATF meeting (see meeting summary dated December 30, 1999, accession number ML003671788). In response to OGC's comments, NEI submitted a letter dated March 15, 2000 (accession number ML003696161).

A list of attendees is provided as Attachment 1. NEI and Industry talking points on the subject are included as Attachment 2.

#### DISCUSSION SUMMARY

NEI representatives opened the meeting by commenting that the industry has been working on this issue with the NRC for approximately 2 years. The primary goal of developing a process to deal with UTSA's was to reduce unnecessary regulatory burden on the industry and to improve the NRC's effectiveness and efficiency. Avoiding unnecessary plant transients was also a goal. The industry stressed that the current proposed process was developed taking into account feedback from the NRC. An amendment request, submitted as a pilot for the proposed process, is currently under review by the NRC staff. The amendment request was submitted on August 30, 1999, by the Tennessee Valley Authority for its Sequoyah nuclear plant (accession number 9909070109).

Industry representatives offered that, based on a review of historical Notices of Enforcement Discretion (NOEDs), approximately four NOEDs per year are issued in response to UTSA's (industry noted that this number may be higher because it did not include the number of plants that chose to shut down vice pursue continued operation under an NOED). These NOEDs

would be unnecessary if the proposed process were implemented. Furthermore, industry stated that approximately 400 hours are expended by the licensee during the NOED process and only 30 hours are estimated to be expended in the proposed process.

Representatives from OGC opened with comments that a significant concern with the proposed process was its “open-ended” nature. Even though the initial technical specification (TS) change which would implement this UTSA process would be publicly noticed, subsequent changes to the TS, which are specific in nature, would not be noticed. This may not meet regulatory requirements.

The industry stated that these UTSA changes, by definition, have no safety significance and are merely correcting errors that were clearly unintended by the TSs and restoring them to what was originally intended.

OGC offered that it understood the intention of the proposed process but that the definition of what constitutes a UTSA needs to be more specific. Words like “minor” and “intent” may be too subjective and open to interpretation.

Industry representatives stated that they would attempt to refine the definition of a UTSA in the attempt to eliminate the “open-ended” nature of the proposed process.

OGC representatives also stated that implementation of this process may require modification to existing processes or regulations. OGC offered that other alternatives may exist for dealing with the UTSA issue that may not present the same regulatory hurdles as the proposed process. One alternative, which OGC had recommended previously, is to modify the NOED policy (to deal with the few instances in which UTSAs apparently arise) so that the NOED policy is less burdensome when dealing with UTSAs. The advantage to utilizing the NOED process is that there is timely notification to the NRC and the public and the process is “up-front” and “straight-forward.” Other alternatives include risk informing 10 CFR 50.59 and risk informing TS Limiting Condition for Operation 3.0.3.

It was agreed that the industry would attempt to modify the definition of a UTSA and that the industry and NRC would continue an open dialogue on this issue.

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LICENSING ACTION TASK FORCE MEETING  
REGARDING  
UNINTENDED TECHNICAL SPECIFICATION ACTIONS

MAY 18, 2000

LIST OF ATTENDEES

<u>NAME</u>	<u>ORGANIZATION</u>
Lawrence Chandler	NRC/OGC
Joe Rutberg	NRC/OGC
Catherine Marco	NRC/OGC
Suzanne Black	NRC/NRR/DLPM
Bill Reckley	NRC/NRR/DLPM
Ron Hernan	NRC/NRR/DLPM
Larry Burkhart	NRC/NRR/DLPM
Alex Marion	NEI
Bob Bishop	NEI
Mike Schoppman	NEI
Pedro Salas	TVA
Al Passwater	AmerenUE
Nancy Chapman	SERCH/Bechtel
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Project No. 689

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