

June 1, 2005

Mr. Mike Schoppman
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Dear Mr. Schoppman:

SUBJECT: SUMMARY OF MEETING ON APRIL 25, 2005, WITH THE NUCLEAR ENERGY
INSTITUTE (NEI) OPERABILITY DETERMINATION PROCESS TASK FORCE

The purpose of this letter is to transmit the summary of the Nuclear Regulatory Commission (NRC) staff meeting with the Operability Determination Process Task Force. The meeting was held at the Excel Services Corporation offices in Rockville, Maryland, on April 25, 2005. At the meeting, the staff and task force members discussed proposed changes to operability guidance for resolution of degraded or nonconforming conditions adverse to safety or quality. The meeting topics considered were primarily issues from the Nuclear Energy Institute high priority items list that were first discussed at the February 17, 2005 meeting. The next meeting is scheduled for May 10-13, 2005, in Rockville, Maryland, to continue discussing open high priority action items.

Sincerely,

/RA/

Carl S. Schulten, Senior Reactor Engineer
Technical Specifications Section
Reactor Operations Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

Enclosures: 1. Meeting Summary
2. Agenda
3. Attendance List
4. NRC-NEI_Markup

cc w/encls: See attached page

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Mr. Mike Schoppman
Nuclear Energy Institute

Ms. Laurie Lahti
Nuclear Management Company

Mr. Pete LeBlond
LeBlond Associates

Mr. Jeff Thomas
Duke Energy

Mr. Jim Kilpatrick
Constellation Energy

Mr. Getachew Tesfaye
Constellation Energy

Mr. Donald Hoffman
Technical Specifications Task Force

Mr. Brian Mann
Technical Specifications Task Force

SUMMARY OF THE APRIL 25, 2005,
NUCLEAR REGULATORY COMMISSION MEETING WITH THE
NUCLEAR ENERGY INSTITUTE OPERABILITY DETERMINATION PROCESS TASK FORCE

On April 25, 2005, the Technical Specifications Section Staff met with the Task Force at the Excel Services Corporation offices in Rockville, Maryland. This meeting was scheduled as a follow-on meeting to the April 19, 2005, meeting where the Staff considered Task Force comments on operability and degraded or nonconforming conditions guidance (Manual Chapter 9900) topics.

A copy of the agenda (Enclosure 1) and a list of participants (Enclosure 3) is attached. Additionally, a markup of the Task Force guidance incorporating agreements made at the April 19, meeting for redrafting Sections 1.0 through 5.0 is provided in (Enclosure 4).

During the meeting the Staff and the Task Force reviewed "Operability Determinations" (Section 5.0), "Operations Based on Operability Determinations" (Section 6.0), "Corrective Action" (Section 7.0), Appendix A, "Surveillances", Appendix B, "Maintenance", and Appendix C, "Specific Operability Issues" guidance and considered changes that used simpler more concise phrases to add clarity to the guidance. The Staff and the Task Force also agreed to the following actions:

- Definitions (Section 3.5, Functionality) - assess the benefit to be gained by adding the functionality concept to other discussions, for example in Section 7.0, Corrective Action and the Appendices.
- Reasonable Expectations (Section 5.1) - this is a defined term for use in Operability determinations that would be more logically located in the Section 3.0, Definitions.
- Operability Determinations (Section 5.0) - declaration of operability is by an SRO, craft appropriate guidance for location and confirmation of an operability declaration.
- Prompt Determination (Section 5.4.2) - prompt operability determinations follow immediate determinations. Clarify the intent for prompt reviews, i.e., when it is necessary and when it is not.
- Presumption of Operability ([old] Section 5.7) - reinstate the guidance which was removed as a Task Force comment following the February 15, 2005 meeting discussions.
- Operations Based on Operability Determinations (Section 6.0) - add new guidance to explain that operations in accordance with 10 CFR 50.54(x), 10 CFR 50.54(y) and beyond design basis events can be pre-approved.
- Compensatory Measures (Section 7.3) - strike the unnecessary citation that NEI 96-07 refers to GL 91-18, for guidance on the temporary use of manual actions in place of automatic actions to compensate for degraded or nonconforming conditions. Keep the citation of Appendix C.5 for guidance on the temporary use of manual actions.

- Missed Technical Specification Surveillance (Appendix A.3) - Task Force proposes to remove this section since it represents a digest of how the “missed surveillance” issue contained in GL 87-09 was incorporated into standard technical specifications and the fact that the current STS SR 3.0.3 contains all related discussions on a missed surveillance.

The Staff and Task Force meeting concluded before Appendix C was reviewed. The agenda for the meetings scheduled for May 10 through 13, 2005, is to develop a master markup of the guidance document with disposition of all Task Force comments.

AGENDA
APRIL 25, 2005 PUBLIC MEETING ROCKVILLE, MD
NEI OPERABILITY DETERMINATION PROCESS TASK FORCE
8:30 a.m. - 4:30 p.m.

- I. Discuss High Priority Topic Followup in the Following Guidance Sections
 - Operations Based on Operability Determinations (Section 6.0)
 - Corrective Action (Section 7.0)
 - Appendix A, Surveillances
 - Appendix B, Maintenance
 - Appendix C, Specific Operability Issues
- II. Discuss New Issues
- III. Identify Action Assignments for May 9 and 10, 2005 meeting

ATTENDEE LIST
APRIL 25, 2005 PUBLIC MEETING ROCKVILLE, MD
NEI OPERABILITY DETERMINATION PROCESS TASK FORCE

<u>Name</u>	<u>Affiliation</u>
Carl S. Schulten	NRC\NRR\TSS\IROB\DIPM
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*Bill Reckley	NRC/NRR/DLPM

* Participated via conference telephone line

Enclosure 3