

July 2, 2008

MEMORANDUM TO: Timothy J. Kobetz, Chief
Reactor Inspection Branch
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

FROM: Timothy Kolb, Senior Reactor Operations Engineer
Reactor Inspection Branch/**RA**/
Division of Inspection Regional Support
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF RIS 2007-21, "ADHERENCE TO LICENSED POWER LIMITS," WORKING GROUP MEETING WITH NEI, ET AL. TO DISCUSS NEI GUIDANCE DOCUMENT, DRAFT REV.6 AND NRC COMMENTS.

On June 12, 2008, a Category 2 public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) staff and the Nuclear Energy Institute (NEI), at the AREVA office in Rockville, MD, to discuss NRC comments to NEI POSITION STATEMENT, Draft Revision 6 (Enclosure 3). Previous Draft Revision 5 is enclosed for information purposes (Enclosure 2). A list of attendees is enclosed (Enclosure 1). The meeting followed the proposed agenda provided in a May 20, 2008, Public Meeting Notice (ADAMS Accession No. ML081410641).

The NRC staff opened the discussion by verifying the latest revision to the NEI guidance document (Enclosure 3) was available to everyone. A summary discussion of the agenda items follows below.

I. Administrative Issues

The NRC informed attendees that any decisions made at the meeting were not final decisions and that policies would not be made at this time. Discussed the purpose of the meeting was for NEI to provide feedback on NRC comments to the NEI POSITION STATEMENT with a goal to agree on the guidance such that it will complement NRC inspection guidance.

II. NEI Presentation on basis for Industry Guidance

NEI briefed the NRC on the intent of the NEI POSITION STATEMENT such that the guidance would address the following aspects of maintaining average steady state power at or below the licensed power limit:

1. Ensure no intentional operation above the licensed thermal power limit,
2. Provide specific guidance for monitoring adherence to the licensed thermal power limit including when to take action to reduce power if found above the licensed power limit,
3. Provide guidance on pre-planned evolutions which could increase reactor power, and
4. Provide examples of conditions or actions which could be characterized as performance deficiencies.

NEI demonstrated, through graphical representation and on-line process computer points, the process the industry would use to monitor their steady state thermal power level such that the 2-hour average was maintained below the maximum thermal power licensed limit. The graph and computer points showed minor fluctuations above the licensed limit that were attributed to normal short-term fluctuations such as bi-stable flow for Boiling Water Reactors (BWRs) or feedwater oscillations for Pressurized Water Reactors (PWRs). NEI provided justification to the staff for the goal of maintaining the 2-hour average at or below the licensed limit vice a shorter time period, such as 1 hour. Additionally, NEI stated that the normal shift for verifying compliance with the licensed power limit would not exceed 12 hours based on some licensees operating on a 12 hour shift schedule and the industry desired to maintain crew ownership for this verification.

III. NRC comments regarding NEI guidance and the path forward

The staff stated that the guidance proposed by the NEI POSITION STATEMENT (Draft Rev. 6) does not conflict with the guidance provided in RIS 2007-21, Adherence to Licensed Power Limits. The guidance reinforces that licensees shall not intentionally take actions to raise core thermal power above their licensed power limit for any period of time. Additionally, the guidance requires action to be taken to reduce core thermal power to less than or equal to the licensed limit if power is found to be above the licensed limit in a timely manner.

The NRC staff questioned NEI regarding the specific wording for step 4.2.(2) of the NEI POSITION STATEMENT. The staff was concerned that this step allowed operation above the licensed power limit (LPL) for up to 2 hours before action is needed to be taken by the licensee to lower power equal to or less than the licensed power limit. NEI stated that this would be contrary to step 4.2.(1) of the NEI POSITION STATEMENT, which states, in part, "No actions are allowed that would intentionally raise core thermal power above the LPL for any period of time." NEI also stated that step 4.4.(2), first sentence, means that while closely monitoring thermal power during steady state operation, if operation is found to be above the LPL, even though the 2-hour average may still be below the LPL, that timely action would be taken to reduce power below the LPL as needed to ensure the 2-hour average limit and the 12 hour average limit was not exceeded.

The NRC staff questioned NEI regarding a scenario where the inspector enters the control room and observes power to be above the licensed power limit. What actions should the inspector see from the operating crew? NEI stated that the NRC should either see the licensee verifying that power is coming down (either because deliberate action was already taken by the operator or the operator is verifying that the condition is a normal fluctuation) or taking action to reduce power to below the licensed power limit in a timely manner. NEI stated that the operators should be able to provide procedural guidance to support their actions with regards to maintaining thermal power at or below the licensed limit.

The NRC staff did not request any further changes to the NEI POSITION STATEMENT.

The NRC staff stated that the NEI POSITION STATEMENT will be utilized when developing the final inspection guidance for assessing adherence to the licensed thermal power license condition.

The NRC staff requested that NEI send a letter with the final version of the NEI POSITION STATEMENT notifying NRC that the guidance was going out to the licensees. NEI agreed to provide that to the NRC the week of July 23, 2008. Additionally, the NRC informed NEI that a supplement to RIS 2007-21 is being proposed to potentially endorse the NEI POSITION STATEMENT pending the internal review process by the NRC. The NRC staff is also proposing additional examples to MC 0612, Appendix E, Examples of Minor Issues, with the next update to the guidance which is due January 1, 2009. Furthermore, IP 61706, Core Thermal Power Evaluation, is proposed to be updated with clear guidance for inspectors to evaluate Core Thermal Power.

VI. Closing Comments

The NRC staff verified that no proprietary information was provided at the meeting.

VII. Public Participation Invited

The public was invited to comment. No comments were made.

VIII. Meeting Adjourned

3:00pm June 12, 2008

Enclosure 1: Attendance Sheet

Enclosure 2: NEI POSITION STATEMENT, Draft Rev. 5

Enclosure 3: NEI POSITION STATEMENT, Draft Rev. 6

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Enclosure 1

**ATTENDANCE SHEET
RIS 2007-21 NEI Position Statement Meeting**

NAME	ORGANIZATION	E-MAIL
Jim Stavely	PSE&G	James.Stavely@PSEG.com
Tom Hedigan	NRC – DIRS/IRIB	Teh1@nrc.gov
Sue Simpson	NEI	sds@nei.org
Russell Smith	STARS	ras@nei.org
Jenny Weil	McGraw-Hill	jenny_wieil@platts.com
Fred Brown	NRC – NRR	fdb@nrc.gov
Tim Kobetz	NRC – DIRS/ITSB	Tjk1@nrc.gov
Bob Florian	Southern Nuclear	rjfloria@southernco.com
Mike Schoppman	NEI	mas@nei.org
Brian McCabe	Progress Energy	Brian.mccabe@pgnmail.com
Mark Ring	NRC – Region III	mar@nrc.gov
Jeff Hansen	Exelon	Jeff.hansen@exeloncorp.com
James Isom	NRC – NRR	jai@nrc.gov
Timothy Kolb	NRC – DIRS/ITSB	tck@nrc.gov