

DISCUSSION TOPICS

PUBLIC MEETING WITH THE NUCLEAR ENERGY INSTITUTE TO DISCUSS

GUIDANCE FOR THE TREATMENT OF NONCONSERVATIVE TECHNICAL

SPECIFICATIONS

JULY 11, 2016

1. Nuclear Energy Institute (NEI) document NEI 15-03 proposes to define a nonconservative technical specification (NCTS) as "...an existing TS requirement..." As Administrative Letter (AL) 98-10, "Dispositioning of Technical Specifications That Are Insufficient to Assure Plant Safety" covers when it is found to contain nonconservative values or specify incorrect actions, consideration should be made to include guidance for an incorrect Technical Specification (TS).
2. There appear to be examples that suggest that this guidance can be used for TS that are overly conservative. As that appears to be outside of the scope for this document, should language be added to ensure that it is not implied nor inferred that this document allows establishment of less conservative values or actions that contradict the REQUIRED ACTIONS or surveillance requirements in the TS?
3. NRC Inspection Manual Chapter (IMC) IMC-0326, "Operability Determinations And Functionality Assessments for Conditions Adverse to Quality," states that the discovery of an improper or inadequate TS value or required action is considered a degraded or nonconforming condition. Upon initial discovery, it may not be clear whether the affected system, structure, or component (SSC) is fully qualified. Consistent with the IMC, an evaluation is necessary to determine if the SSC conforms to all aspects of its current licensing basis, including all applicable codes and standards, design criteria, safety analyses assumptions and specifications, and licensing commitments. The resultant actions that may be necessary to ensure the SSC is capable of performing its specified safety function could include evaluations, procedure changes, plant modifications, operator training, etc. Can the guidance be clarified to ensure normal processes are followed for establishing these changes to ensure the requirements of Title 10 of the *Code of Federal Regulations*, (10 CFR) Section 50.59, or more specific change criteria, are applied to the changes, as appropriate?
4. There are direct quotes from several regulatory documents such as NUREG-1022, "Event Reporting Guidelines 10 CFR 50.72, and 10 CFR 50.73." Given the possibility of revision to these documents, consideration should be given to referencing these documents to prevent the guidance from going out of date or requiring constant revision.
5. The correction of degraded/nonconforming conditions is expected to be completed in a timely fashion. Additional consideration should be made to enhance the guidance to ensure timely identification and resolution of an identified NCTS. Should the guidance include notification to the NRC of any identified constraints to the timeliness of the corrective action consistent with the safety significance of the condition? Additionally, if an amendment request will not be submitted during the current operating cycle, should a letter to the NRC describing the planned actions and planned schedule be submitted?

6. To ensure that the right resources are available and applied to support timely resolution of these issues, consideration should be given as to tracking the status of these items to facilitate a common understanding between the licensee and the NRC regarding the identification, scope, and plan for resolution of an NCTS. Additionally, should the guidance address whether/how these items are tracked in the Corrective Action Program and what the threshold is for closing them?
7. The examples seem to focus heavily on corrective actions that involve generic issues. In general, it is an efficient use of resources to pursue a generic resolution, such as a topical report, when there is broad applicability of an issue. However, a condition adverse to quality should not be allowed to exist for an extended period of time while awaiting a generic resolution. Therefore, it may be helpful to highlight that timely resolution of the NCTS is the expectation. Additionally, consideration should be given to address the need for some type of communication between the licensee and the NRC if significant delays in completing a generic review occur, and how to determine whether a licensee should depart from a generic resolution to pursue a site-specific solution.
8. Given the multiple decision points, consideration should be given to include a flowchart to guide licensee in implementing actions when a licensee identifies a NCTS.