

**BRUCE S. MONTGOMERY**  
Technical Advisor

1201 F Street, NW, Suite 1100  
Washington, DC 20004  
P: 202.739.8128  
bsm@nei.org  
nei.org



October 31, 2016

Mr. Alex R. Klein  
Chief, Technical Specifications Branch  
Division of Safety Systems  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Submittal of NEI 15-03, Revision 1, *Licensee Actions to Address Nonconservative Technical Specifications*

**Project Number: 689**

Dear Mr. Klein:

On behalf of the industry, the Nuclear Energy Institute (NEI)<sup>1</sup> submits NEI 15-03, Revision 1, *Licensee Actions to Address Nonconservative Technical Specifications* for U.S. Nuclear Regulatory Commission (NRC) review and endorsement. This guidance was developed by the industry to provide guidance that may be used by licensees to address an operating license technical specification that is determined to be insufficient to protect the assumptions or conclusions of the safety analysis or technical specification bases (i.e., a Nonconservative Technical Specification or NCTS). In 1998, the NRC issued Administrative Letter 98-10 (AL 98-10), "Dispositioning of Technical Specifications that are Insufficient to Assure Plant Safety." Since the issuance of AL 98-10, industry operating and regulatory experience has indicated the need to provide additional guidance to licensees. This was the topic of a technical session at the 2014 NRC Regulatory Information Conference, during which it was suggested that the industry develop this guidance.

NEI 15-03, Revision 1 replaces Revision 0, which was submitted for NRC review and endorsement by NEI letter dated May 11, 2016. Revision 1 addresses NRC comments and suggestions made during a public meeting held on July 11, 2016.

---

<sup>1</sup> The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

Mr. Alex R. Klein  
October 31, 2016  
Page 2

We believe that use of this document by Part 50 and Part 72 licensees will provide further guidance on actions to be taken upon identification of an NCTS to verify and maintain acceptable plant conditions, comply with license and regulatory requirements, and communicate the details of the condition appropriately. This guidance does not establish any new regulatory requirements, but suggests a process to ensure appropriate steps are taken when an NCTS is identified.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Montgomery", with a long, sweeping horizontal line extending to the right.

Bruce Montgomery

Attachment

c: Mr. Timothy J. McGinty NRR/DSS, NRC  
Ms. A. Louise Lund, NRR/DORL, NRC  
Mr. Michael T. Markley, NRR/DORL/LPL4-1, NRC  
NRC Document Control Desk