



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 5, 2017

ORGANIZATION: Nuclear Energy Institute

SUBJECT: SUMMARY OF AUGUST 8, 2017, MEETING WITH THE NUCLEAR ENERGY INSTITUTE ON NEI 15-03, REVISION 1, "LICENSEE ACTIONS TO ADDRESS NONCONSERVATIVE TECHNICAL SPECIFICATIONS" (CAC NO. TM3065)

On August 8, 2017, a Category 2 public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) staff and representatives of the Nuclear Energy Institute (NEI) at NRC Headquarters in Rockville, Maryland. The purpose of the meeting was to discuss industry guidance in NEI 15-03, Revision 1, "Licensee Actions to Address Nonconservative Technical Specifications," October 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16309A006). The NRC staff is reviewing NEI 15-03 and is considering endorsing the document in a new regulatory guide. The meeting notice and agenda are available in ADAMS at Accession No. ML17191B126. A list of attendees is enclosed.

BACKGROUND

On December 29, 1998, the NRC issued Administrative Letter (AL) 98-10, "Dispositioning of Technical Specifications that are Insufficient to Assure Plant Safety" (ADAMS Accession No. ML031110108). The purpose of AL 98-10 was to reiterate NRC expectations regarding correction of nuclear power reactor technical specifications (TSs) when they are found to contain nonconservative values or specify incorrect actions. Since the issuance of AL 98-10, both the NRC and industry have identified the need for additional guidance. Based on a suggestion at the 2014 NRC Regulatory Information Conference, NEI 15-03 was developed to provide additional guidance on dispositioning nonconservative TSs. The guidance was developed by NEI and the Technical Specifications Task Force.

DISCUSSION

Discussion topics were provided as handouts at the meeting (ADAMS Accession No. ML17192A438). The discussion topics provided NRC key messages and specific NRC comments on NEI 15-03, Revision 1. The discussion topics focused on areas where the NRC staff may provide clarification or take exception to NEI 15-03, Revision 1, if it is endorsed in a regulatory guide. The discussion included each of the comments listed in the discussion topics.

Major areas of discussion included the following:

1. the scope of the guidance;
2. ensuring that the guidance clearly states that TS requirements must continue to be met;
3. potential for conflict with other industry initiatives that are under staff review; and
4. providing additional guidance regarding timeliness of final corrective actions.

Revision 1 of NEI 15-03 indicates that it could also be used for independent spent fuel storage installations. The NRC staff questioned why NEI proposes use of the guidance for independent spent fuel storage installations as they have different regulatory requirements and the guidance would need to be reviewed by a different organization within the agency. NEI representatives agreed to take this out of the guidance, but suggested they may include such a statement in the cover letter that transmits the guidance to the industry.

The NRC staff expressed concern with NEI 15-03 defining the term nonconservative technical specifications (NCTS). One of the issues with defining NCTS is that it indirectly provides guidance on the content of TSs. In addition, by using a definition, it makes it difficult to determine if the scope of NEI 15-03 is consistent with AL 98-10. The NRC staff expressed the view that the scope of the guidance should be described in lieu of a definition. The NRC staff stated that the scope should be consistent with AL 98-10 to avoid potential changes in policy that would require additional effort to review and approve. An industry representative stated that they were concerned that AL 98-10 was not sufficiently clear. The NEI representatives agreed to consider revising Section 2, "Definition of Nonconservative Technical Specifications," of NEI 15-03 to address the staff's concerns.

The NRC staff questioned whether several statements in the guidance implied licensees do not have to fully comply with the TSs. NEI representatives stated that this was not intended and these statements will be revised. The NRC staff suggested that the guidance should be clarified to indicate that it is only to be used for conditions where the licensee can continue to comply with its TSs. The NRC staff also noted that overly conservative TSs are outside the scope of the guidance and should not be mentioned in the guidance.

The NRC staff suggested that the actions discussed in Section 3.2, "Verification of Specified Safety Functions," of NEI 15-03 should be further reviewed and documented by licensees. NEI representatives noted that review and documentation of actions is discussed later in the guidance and this would include the actions discussed in Section 3.2. The NRC staff stated that paragraph 3 of NEI 15-03, Section 3.2, is confusing as it introduces new concepts that are not discussed elsewhere in the guidance. NEI representatives agreed to revise this paragraph to clarify its intent.

The NRC staff noted that the discussion regarding the use of the corrective action program (CAP) to track the disposition of NCTS indicates that there may be alternatives. The NRC staff is separately reviewing an industry initiative known as CAP 2.0. The NRC staff expressed concern about the potential for overlap between its review of NEI 15-03 and CAP 2.0. The NRC staff noted that NEI 15-03 is not intended to provide guidance on the CAP. The NRC staff may take exception to certain CAP discussions in NEI 15-03 if the staff's review of CAP 2.0 is not completed. The NEI representatives agreed to revisit at this discussion in the guidance.

The NRC staff suggested that additional guidance be provided regarding plant startup with an NCTS and entering a mode where the NCTS is applicable. The NRC staff and NEI representatives agreed that any necessary compensatory measures should be in place prior to startup or entering a mode where the NCTS is applicable. However, the NRC staff questioned whether licensees should consider requesting an amendment to correct the NCTS prior to startup. NEI representatives expressed concern that such amendments would not meet the requirements for an emergency or exigent amendment. The NRC staff noted that such justification could be provided by a licensee depending on the circumstances. The staff also suggested that license amendment requests to correct NCTS would receive a higher priority review.

The NRC staff stated that there should be more specific guidance regarding timeliness for resolving NCTS. The staff noted that soon after an NCTS is identified, the NRC should be informed. Both the NRC staff and NEI representatives agreed that the timeframe to completely resolve an NCTS is dependent on the specific situation. It was agreed that NEI will make an initial effort at providing some additional guidance regarding timeliness, and that the staff will also discuss this issue internally.

An NEI representative stated that NEI plans to send the revision of NEI 15-03 out to the industry for review and comment by the end of August 2017. The NEI would provide a redline version with the changes to the NRC in September. The NRC staff agreed to have another public meeting, if needed, to discuss changes in the guidance prior to NEI submitting the next revision to the NRC. The NRC staff also agreed to provide industry with a schedule for development of a regulatory guide to endorse NEI 15-03. The NEI representatives stated that they would like to issue NEI 15-03 to the industry by the end of 2017, which will likely be before the NRC completes its review of the revised guidance.

After the business portion of the meeting, the NRC received comments from one person who had worked on a draft of NEI 15-03. He stated that additional guidance regarding timeliness would be helpful to industry. He also suggested that the NRC could add guidance regarding disposition of NCTS to its inspections procedures. He stated that if the NRC issues the draft regulatory guide with its exceptions and clarifications, it would be more helpful than having another public meeting on the subject.

Please direct any inquiries to me at 301-415-1380 or Blake.Purnell@nrc.gov.



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Enclosure:
List of Attendees

cc: Chris Earls (cee@nei.org)
Greg Cameron (grc@nei.org)
Bruce Montgomery (bsm@nei.org)
Brian Mann (Brian.Mann@excelservices.com)

LIST OF ATTENDEES

AUGUST 8, 2017, PUBLIC MEETING WITH THE NUCLEAR ENERGY INSTITUTE

NAME	AFFILIATION
Brian Mann	Excel Services
Chris Earls	Nuclear Energy Institute
Blake Purnell	Nuclear Regulatory Commission (NRC)
Kathryn Brock	NRC
Mirela Gavrilas	NRC
Michael Markley	NRC
Jennifer Whitman	NRC
Blake Purnell	NRC
Eva Brown	NRC
Taylor Lamb	NRC
Margaret Chernoff	NRC
Ashley Smith	NRC
Ross Telson	NRC
Stephen Burton	NRC
Joseph Holonich	NRC
Aron Lewin	NRC
Ken Nicely	Exelon Generation Company, LLC
Rob Burg	Engineering Planning and Management, Inc.
Jana Bergman	Curtis-Wright
Edward Schrull	Tennessee Valley Authority
Drew Richards	South Texas Project
Robert Slough	Public

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INSTITUTE ON NEI 15-03, REVISION 1, "LICENSEE ACTIONS TO ADDRESS
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DATED: SEPTEMBER 5, 2017

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ADAMS Accession Nos. Package: ML17192A437, Summary: ML17227A030, Notice: ML17191B126,
Handouts: ML17192A438

OFFICE	NRR/DORL/LPL3/PM	NRR/DORL/LSPB/LA	NRR/DORL/LPL2-1/BC	NRR/DORL/LPL3/PM
NAME	BPurnell	JBurkhardt	MMarkley	BPurnell
DATE	08/16/17	08/16/17	09/05/17	09/05/17

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