

August 31, 2017

MEMORANDUM TO: Dennis C. Morey, Chief
Licensing Processes Branch
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Serita Sanders, Project Manager */RA/*
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Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF PUBLIC MEETING HELD ON AUGUST 15,
2017 – BULLETIN 2012-01, “DESIGN VULNERABILITY IN
ELECTRIC POWER SYSTEM” – PATH FORWARD TO
BULLETIN CLOSURE

On August 15, 2017, a Category 2 public meeting was held between the U.S. Nuclear Regulatory Commission (NRC), and representatives of the Nuclear Energy Institute (NEI) and nuclear power plant industry at NRC Headquarters, One White Flint North, 11545 Rockville Pike, Rockville, Maryland. The purpose of this meeting was for the NRC to present the (1) path forward to Bulletin 2012-01 closure and (2) Draft Temporary Instruction 2515/194, “Inspection of the Licensee’s Implementation of Industry Initiative Associated with the Open Phase Condition Design Vulnerabilities in Electric Power Systems – (NRC Bulletin 2012-01). The purpose of the temporary instruction (TI) is to (a) verify that licensees have appropriately implemented the NEI voluntary industry initiative (VII) and that licensees have updated their licensing basis documents to reflect the detection and protection schemes for open phase conditions (OPCs), and (b) gather the necessary information for NRC staff to determine whether the modifications implemented by licensees in response to the VII adequately addresses potential vulnerability to OPCs.

The NRC staff’s presentations consisted of the following: Presentation (Agency-wide Documents Access and Management System (ADAMS) under Accession Number ML17227A082 and draft TI (ADAMS Accession Number ML17220A253). All slides used during this meeting can also be obtained in ADAMS Package Accession Number ML17234A258.

Additionally, NEI presented, “NEI/Industry Comments – Draft OPC Temporary Instruction” and “Plant Status – OPC Installation Survey Results (August 2017),” (ADAMS Accession Number ML17243A100).

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Meeting Presentations

The conduct of this meeting started with the NRC staff opening with its introductory presentation by describing the contents of the draft TI and next steps to bulletin closure. The NRC discussed the TI schedule: issuance of the TI in late summer 2017, start of initial set of inspections in fall 2017, and all inspections completed by summer 2019. Activities leading to bulletin closure were also highlighted with the last letter expected to be issued in winter 2019.

NEI presented its comments on the draft TI that was made public by the NRC on August 14, 2017. In summary, NEI grouped its feedback to the following: (1) the majority of the background information in the initial sections of the TI is comprehensive and accurate, (2) NRC Actions discussing Staff Requirement Memorandum (SRM), SECY 16-0068, "Interim Enforcement Policy for Open Phase Conditions in Electric Power Systems for Operating Reactors," (ADAMS Accession Number ML17068A082) should have focused only on verification that licensees have appropriately implemented the VII, (3) section 03.01, Voluntary Industry Initiative of the TI is generally consistent with the VII, and (4) section 03.02, Information Collection, of the TI significantly deviates from the VII.

There were a few slides in the NEI presentation that reflected information inconsistent with NRC processes. For example, there were slides under the "General Section Comments," NEI slide 10 titled "Objective Comment – Page 1" and slide 13 titled "03.01 VII, Page 9, 1st paragraph"

NRC clarified these perceived "statements of facts" to correct the record during the meeting. This clarification is contained in the discussion below.

Discussion

During NRC's presentation of the TI and NEI's presentation of its feedback on the TI, it was apparent that the NRC and NEI agreed on most topics. However, the NRC recognized that NEI's facts on several matters warranted clarifications.

NEI interpreted the Commission's direction to the staff in the SRM, to verify licensee full implementation of the VII as the only action required by the NRC to satisfy the Commission's direction. To support this assumption, in its presentation, NEI included passages from both Chairman Svinicki's and Commissioner Burns' vote sheets (ADAMS Accession Number ML17068A330) to provide context of the actions in the SRM to demonstrate that NRC's inspection using the TI should solely be focused on the licensee's implementation of the VII.

The NRC staff explained the Commission's process by which it provides staff direction after rendering its decision on voting matters. The NRC staff provided a copy of the SRM to meeting participants and referenced it on the NRC's Public Meeting Notification System – meeting notice 20170986. The NRC staff further described that it receives and follows Commission direction from SRMs and uses internal communications to validate its interpretation of SRMs.

The section of the SRM that directed the staff to determine if the adequacy of the VII is as follows:

“Going forward, the staff should verify that licensees have appropriately implemented the voluntary industry initiative. If the staff determines that a licensee does not adequately address potential OPCs, including updating the licensing basis to reflect the need to protect against OPCs, the staff should consider the appropriate regulatory mechanism to impose the necessary requirements to protect against OPCs...”

The second sentence of the paragraph above provides direction to the staff to verify the adequacy of the OPC and to determine if the licensee has adequately addressed OPCs.

Through its discussions, the NRC recognized that NEI interpreted this direction to the staff somewhat differently. After a lengthy discussion, NEI was able to better understand the staff’s approach in the TI of the necessity to gather information described in section 03.02. NEI acknowledged its misinterpretation of the SRM during the meeting and affirmed that, “The SRM endorsed the VII as adequate to address OPCs,” as stated in their slide number 10 was incorrect. At the end of this discussion, the NRC and NEI had a common understanding of the NRC’s staff approach to meet the intent of the Commission’s SRM direction to the staff.

Another clarifying point made by the NRC staff pertained to a NEI comment on the applicability of BTP 8-9, “Open Phase Condition in Electric Power Systems.” The NRC staff stated that the reference to BTP 8-9 does not apply to the VII inspection portion specified in TI section 03.01. The NRC staff described that it is a footnote which should have been part of the discussion in the General Guidance section of the TI. This will be corrected when the NRC staff issues the TI in accordance with NRC Inspection Manual Chapter 0040, “Preparing, Revising and Issuing Documents for the NRC Inspection Manual.”

NEI further raised a comment regarding the information gathering portion of the draft TI. The NRC agreed with NEI that, while not intended, the language in the gathering information section of the TI could be interpreted by inspectors as a requirement for licensees to meet as part of its implementation of the VII. To ensure that there was mutual agreement on the specific concern, the NRC facilitator asked NEI to succinctly clarify this concern. NEI responded by expressing that the information covered in the TI is beyond the scope (in some cases) of the VII and could be interpreted as requirements for licensees. To address NEI’s concern, NRC staff stated that the TI has specific guidance provided to the inspectors concerning information to be gathered during the conduct of this inspection. For example, TI section 03.02 contains language describing the information collected as part of the initial inspections should enable NRR/DE/EEOB staff to determine whether the modifications implemented in response to the VII are appropriate and meet the existing plant-specific licensing basis/regulatory requirements for electric power systems (onsite and offsite). Additionally, there is a note in this same section that cautions the inspectors to “do not” inspect potential issues while gathering information and describes that NRR/DE/EEOB will evaluate this information. Further, the NRC staff informed NEI that it would include clarifying the purpose of section 03.02 of the TI and the information discussed in the TI during the specific training that will be provided to the regional inspectors prior to TI implementation. Towards the end of the meeting, NEI stated that it would provide additional written comments to the TI by August 25, 2017.

The details of the results of staff's evaluation of the information collected in the TI for the initial set of inspections and the status of the Bulletin closure will be shared with the industry representatives at a future date, when completed.

Enclosures:

1. Attendance List
2. Meeting Agenda
3. List of Handouts and Presentations

SUBJECT: SUMMARY OF PUBLIC MEETING HELD ON AUGUST 15, 2017 – BULLETIN 2012-01, “DESIGN VULNERABILITY INELECTRIC POWER SYSTEM” – PATH FORWARD TO BULLETIN CLOSURE Date

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ADAMS Accession Nos.:

Meeting Summary: ML17234A273

Meeting Notice: ML17227A240

NRC Presentation: ML17227A082

NEI Presentation: ML17243A100

SRM SECY-16-0068: ML17068A297

Package: ML17234A258

* E-mail concurrence

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ATTENDANCE LIST

U.S. NUCLEAR REGULATORY COMMISSION
OPEN PHASE CONDITION PUBLIC MEETING
PATH FORWARD TO BULLETIN COSURE

AUGUST 15, 2017, COMMISSIONER'S HEARING ROOM 1:00 pm – 5:00 pm

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| Deann Railey | Curtiss Wright |
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Nuclear Regulatory Commission
Open Phase Condition Public Meeting – Path Forward
August 15, 2017, Commissioner’s Hearing Room
1:00pm – 5:00pm
Agenda

- 1:00pm Introduction/Opening Remarks
- 1:10pm NRC Presentation
 - Path Forward
 - Draft Temporary Instruction
- 2:00pm Discussion
- 2:30pm Break
- 2:50pm NEI/Industry Presentation
 - Voluntary Industry Initiative
 - Fleet Status Report
- 3:30pm Discussion
- 4:30pm Questions From Public
- 5:00pm Adjourned

List of Handouts and Presentations:

ML17227A240: Meeting Notice

ML17227A082: NRC Presentation, "Path Forward to Bulletin Closure"

ML17243A100 : NEI Presentation, "NEI/Industry Comments – Draft OPC Temporary Instruction"

ML17220A253: Draft Temporary Instruction 2525/194: "Inspection of the Licensee's Implementation of Industry Initiative Associated with the Open Phase Condition Design Vulnerabilities in Electric Power systems *NRC Bulletin 2012-01)"

ML17068A297: Staff Requirements Memorandum – SECY-16-0068, "Interim Enforcement Policy for Open Phase Conditions in Electric Power Systems for Operating Reactors"