




Nonconservative Technical Specifications? What Actions Are Needed?

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INTRODUCTION

- Purpose - To discuss current issues associated with licensing activities in support of correcting technical specifications (TS) that are found to contain non-conservative values or that specify incorrect actions.



Session Presentations

- NRC
 - Correction of Non-Conservative TS
 - Robert Elliott, Branch Chief – Technical Specification Branch – NRR



Session Presentations

- Industry
 - Identification, Reporting, and Corrective Actions for a Non-Conservative TS
 - Otto Gustafson, Director, Regulatory and Performance Improvement, Entergy Palisades
 - Unique Features of a LAR to Correct a Non-Conservative Technical Specification
 - Brian Mann, Vice President, Industry Programs, EXCEL Services Corporation

4




Correction of Non-Conservative Technical Specifications

OVERVIEW

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5



Administrative Letter (AL) 98-10 Guidance

- Addresses non-conservatism in TS identified as a result:
 - Licensee design-basis reconstitution efforts;
 - NRC inspection efforts; or
 - An unexpected condition is identified


6



NRC Intent for AL 98-10

- Intended to address NRC expectations regarding correction of TS when they are found
 - Contain non-conservative values, or
 - Specify incorrect actions
- Provide actual examples
 - Significant delays in submitting license amendment requests, or
 - With administrative controls in place, licensee asserts license amendment requests are unnecessary


7



NRC Points of Clarification

- Administrative Letter Does Not
 - Supersede existing regulations/requirements
 - Section 50.59 to 10 CFR
 - IMC 0326
 - Allow violation of TS
 - Support implementation of changes needing prior approval before NRC approval
 - Support delays in resolving an issue for an extended period of time (e.g. awaiting generic industry initiative)
 - Support deviation from Enforcement Policy Processes

8



Regulatory Challenges

- Licensee identified TS operating limit error
 - License amendment request delayed to support outage, but still not submitted more than a year after the outage.
- Analysis is not completed to provide basis for proper administrative controls or TS submittal


9



NRC Guidance Clarifications

- Historical Changes Replacement:
 - Generic Letter 91-18
 - RIS 2005-20
- Revision:
 - 10 CFR 50.59
 - IMC Part 9900 Guidance
 - Operability portion becomes IMC 326
 - NUREG 1022
- Addition
 - 10 CFR 50.65(a)(4)


10



Commission Guidance

- Administrative controls/compensatory measures are subject to 10 CFR 50.59 review
- Placed in corrective action program
 - Degraded/Non-conforming assessment
- Apply applicable regulations
 - 10 CFR 50.59
 - 10 CFR 50.65(a)(4)
 - Plant specific TS LCO

11



Commission Guidance <cont>

- Implementation of administrative controls/compensatory measures
 - Consistent with proposed LAR content
 - Review under
 - 10 CFR 50.59
 - » NEI-96-07 (Greater than 90 days)
 - 10 CFR 50.65(a)(4)
- Notification of NRC
 - Typically under
 - 10 CFR 50.72
 - 10 CFR 50.73
 - Should identify where AL 98-10 is applied


12



License Amendment Request

- Should:
 - Timely submittal
 - Reflect current licensing basis
 - Identify 10 CFR 50.36 deficiency
 - Reflect current technical knowledge
 - Not wait for long-term generic resolution

13



Key Messages

- Guidance does not override existing requirements
- Issues should be captured in corrective action program
- Administrative controls/compensatory measures should be
 - Appropriately established
 - Comparable to the proposed TS
- License amendment requests should be submitted promptly
- Timely resolution of issues expected

14



Path Forward

- Begin discussions on proposed industry guidance on how to address this in a manner that:
 - Ensures safe operation in the interim
 - Addresses regulatory challenges and expectations
 - Allows for licensee participation
 - Establishes common understanding


15



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16



Abbreviations

- AL – Administrative Letter
- CFR – *Code of Federal Regulations*
- IMC – Inspection Manual Chapter
- LCO – Limiting Condition for Operation
- TS – Technical Specifications
- RIS – Regulatory Issues Summary

17



References

- Administrative Letter 98-10, "Dispositioning of Technical Specifications That Are Insufficient to Assure Plant Safety" (ADAMS Accession No. ML031110108)
- Generic Letter 91-18, "Information to Licensees Regarding Two NRC Inspection Manual Sections on Resolution of Degraded and Nonconforming Conditions and on Operability" (ADAMS Accession No. ML031140549)
- Inspection Manual Chapter Part 9900 "Operability Determinations & Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety" (ADAMS Accession No. ML081360529)
- Regulatory Information Summary 2005-20, Rev. 1, "Revision to NRC Inspection Manual Part 9900 Technical Guidance, Operability Determinations & Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety" (ADAMS Accession No. ML073440103)
- Inspection Manual Chapter 0326, "Operability Determinations & Functionality Assessments for Conditions Adverse to Quality or Safety" (ADAMS Accession No. ML13274A578)
- Nuclear Energy Institute 96-07, "Guidelines for 10 CFR 50.59 Evaluations," dated November 2000, (ADAMS Accession No. ML003771157)

18
