

# NRC INSPECTION MANUAL

PIPB

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## PART 9900: TECHNICAL GUIDANCE

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### LICENSEE TECHNICAL SPECIFICATIONS INTERPRETATIONS

#### A. PURPOSE

To provide the NRC position concerning licensee interpretations of technical specifications (TS) and to provide guidance and clarification to NRC staff concerning this subject.

#### B. DEFINITION

Licensee TS Interpretation refers to an interpretation of a TS developed by a licensee without approval or involvement by the NRC.

#### C. BACKGROUND

Recent field observations have highlighted the need for staff clarification and guidance of licensee TS interpretations.

NRR recognizes that many licensees have established TS interpretations as an aid to their plant staff to more fully understand the TS requirements. The NRC, however, does not endorse or recognize licensee TS interpretations. Licensee TS interpretations are not legal documents and they do not have any legal authority regarding plant operations. Licensee TS interpretations must never contradict or change the wording, the meaning, or the intent of a TS requirement. Licensees should be aware that their TS interpretation process, which does not have NRC acknowledgement, may not always be the optimum approach to resolving TS questions.

There are several preferred methods licensees can utilize for TS interpretations that the staff recognizes. Licensees are encouraged to pursue one of these options when they have a question concerning TS compliance and a desire to obtain formal NRC recognition of their position. These methods include (1) a license amendment to change the TS wording; (2) a change to the TS bases via 10 CFR 50.59 or 50.90 (when an unreviewed safety question is identified) which adds clarification to the TS requirement; or (3) a written interpretation from the Office of Nuclear Reactor Regulation (NRR) regarding the intent of the TS requirement.



#### D. DISCUSSION

Two examples of inappropriate licensee TS interpretation are as follows:

1. The TS for the main steam safety valves requires specified changes to the Power Range Neutron Flux High Trip setpoints for an inoperable safety valve(s). Analysis from the NSSS vendor identified that the neutron flux high trip setpoints specified in TS were nonconservative by as much as 31 percent of rated power. The licensee issued a TS interpretation which specified the new setpoints values. In this case the licensee clearly should have submitted a TS amendment request to incorporate the new neutron flux high trip setpoints into the TS requirements for an inoperable main steam safety valve(s).
2. A NRC inspector's signature was on the licensee TS interpretations which gave the appearance that NRC approval had been given to the interpretation. This practice is not acceptable. All NRC inspectors should be cautioned that any involvement they have with licensee TS interpretations (outside the three methods mentioned above) should not be construed as providing NRC endorsement of the interpretations.

#### E. CONCLUSION

When the staff has a question regarding TS compliance and an agency position is needed to ensure that a licensee properly complies with the TS, then the question should be resolved via the Task Interface Agreement (TIA) process. For issues where it appears that the licensee is clearly not complying with TS requirements, yet the licensee disagrees with the inspector, then NRC management should be consulted for resolution of the issue through the inspection and enforcement process.

When verifying licensee compliance with TS requirements, inspectors are encouraged to include in their review any applicable licensee TS interpretations. This review should verify that a TS interpretations which the licensee is utilizing does not conflict with the TS wording or intent. The inspection staff should never concur or become involved in the approval process for licensee TS interpretations. The referencing of official NRC correspondence in a licensee TS interpretation is an acceptable practice.

The number of TS interpretations licensees have is dependent of many factors.

Plants with older TS typically have more TS interpretations than plants with newer TS. Many of the plants that converted to Improved Technical Specifications have no TS interpretations. Inspectors should not assess licensee TS interpretation programs solely on the number of interpretations, but review other factors such as the review process, operator knowledge and familiarity with the interpretations, and implementation of the interpretations. As stated earlier, the most important factor is that the TS interpretation does not conflict with TS wording or intent.

Reliance on a TS interpretation when an error is discovered in the TS is not acceptable. The NRC expects licensees to comply with the explicit terms of TS or apply for a license amendment, pursuant to 10 CFR 50.90, to change the TS terms rather than relying on a TS interpretation or engineering analyses to justify a temporary departure from TS requirements. In the event that an error in TS is discovered, the licensee should restrict plant operations, as appropriate, until an amendment can be processed or other acceptable actions are taken.

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