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December 30, 1999

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MEMORANDUM TO: John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

FROM: Suzanne C. Black, Deputy Director *Suzanne C. Black*  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF MEETING HELD ON DECEMBER 1, 1999, BETWEEN  
NRC STAFF AND INDUSTRY LICENSING ACTION TASK FORCE

Members of the staff of the U.S. Nuclear Regulatory Commission (NRC) hosted a meeting with representatives of the Nuclear Energy Institute (NEI) and licensees comprising the Licensing Action Task Force (LATF) on December 1, 1999, at NRC Headquarters in Rockville, Maryland. This meeting was open to the public. A list of attendees is provided as Attachment 1. An agenda of the meeting provided by the LATF is included as Attachment 2. Attachment 3 lists NRC's Office of General Counsel's (OGC) findings with regard to legal issues surrounding the proposed method of handling unintended technical specification (TS) changes. Attachment 4 presents the NRC's proposed consolidated line item improvement process. Attachment 5 lists action items identified at the meeting as well as agreed upon due dates.

Topics discussed included unintended technical specification changes, consolidated processing of generic technical specification changes, options for managing challenges to the ultimate heat sink (UHS) technical specification temperature limits and the status of LATF action items from the September 29, 1999, LATF meeting. A summary of each discussion is provided below:

1. Unintended Technical Specification Changes

Discussion Summary

An OGC representative stated that, after review of pertinent codes, regulations and statutes, the proposed method of handling unintended TS changes does not comply with the Atomic Energy Act and a statute change would be required if the current method is to be pursued. OGC offered a summary of its findings in Attachment 3. OGC expressed concern, not only with the legality of the method, but also with the ability of the NRC to verify compliance with this proposed method.

The LATF stated that they were disappointed with OGC's position but that they wished to pursue resolution of this issue. The LATF will review OGC's response as presented at the meeting to ensure that they understand OGC's position. They also suggested that resident inspectors could verify compliance with the proposed method.

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The LATF also expressed the concern of resource expenditures. Industry has expended significant resources in developing a resolution method with NRC and it seems as if this detailed legal review would have been more productive if it were completed sooner rather than later. The LATF stated that they wanted to implement changes to the current method that industry is required to utilize in dealing with these types of changes in a way that will work for both industry and NRC. The LATF also stated that they would consider other options.

## 2. Consolidated Processing of Generic Technical Specification Changes

### Discussion Summary

The NRC distributed Attachment 4 which summarized a proposed line item improvement process. This proposal would not implement any major changes in the existing process but would better define the process parts and would encourage increased public participation to a level similar to that of the license amendment process. Documentation requirements for Technical Specification Task Force (TSTF) input and output would be more rigorous. The TSTF process would look more like the license amendment process with the TSTF submittal mirroring that of an amendment request. An approved TSTF would include a no significant hazards consideration determination (NSHCD) and a safety evaluation (SE). Increased public notification is also proposed (similar to that of an amendment request). The LATF agreed that more documentation is needed on both the licensee and NRC side.

NEI also submitted a proposed process flowchart in Attachment 2. It was noted that the two proposed processes were very similar. One difference identified included the public noticing throughout the process. At this time, the LATF prefers one notice that will list all plants that wish to adopt the generic change. The NRC commented that legal requirements may dictate a separate notice for each plant that wants to adopt the TS change. Another issue that was discussed included the time requirement for the licensee to notify the NRC that it wishes to adopt the TS change. The LATF favored a 120 day period and the NRC stated that would not be a problem (90 days was identified on the NRC's flow chart). The LATF questioned the need for any stated time limit for adoption of the TSTF change. The NRC stated that having no time limit may be an option; however, certain internal efficiencies may be lost if some relatively short time limit is not set.

The LATF proposed implementation process (Attachment 2) was discussed. The NRC agreed with the concepts of the process. The NRC stated that the next step would be to issue a regulatory issue summary describing the process and how it would be implemented. The NRC also suggested that a proposed process could start as new TSTFs are approved or the process could be utilized to implement approved TSTFs. A target date of March 2000, was discussed for piloting this process.

It was identified that, although not specifically geared towards them, non-ITS plants could benefit from the new process.

It was decided that NEI and NRC should continue to work with their respective members of the TSTF to further develop the overall process for handling these generic changes. This issue will be further discussed at future NRC/LATF meetings.

### 3. Managing Ultimate Heat Sink Technical Specification Challenges

#### Discussion Summary

The NRC reported on their action item from the last LATF meeting which requested the NRC's Plant Systems Branch (SPLB) to identify and review any margins that are under regulatory control. SPLB stated that there are no obvious margins that are under regulatory control and that margins and methodologies are usually specific to each plant and plant conditions. Possible changes to current regulations were not in the scope of SPLB's review. Only options that included possible changes to technical specifications were researched.

As part of their review of the issue, SPLB participated in discussions with the Boiling Water Reactor Owners Group (BWROG), NEI and other NRC technical branches. The Technical Specifications Branch (RTSB) stated that the UHS temperature specification meets Criterion 2 of 10 CFR 50.36 and is therefore required to be included in the technical specifications (the LATF identified, and NRC acknowledged, several plants whose technical specifications do not include the UHS temperature specification).

The LATF presented several options in Attachment 2. The NRC stated that management did not want to continue utilizing the NOED process (option 7) to deal with this issue and the NRC was, at least at this time, opposed to granting an allowed outage time (AOT) for the UHS (TSTF 330 and option 4 in Attachment 2) due to lack of redundancy. The LATF stated that industry favors either option 3 (relocating the UHS specification from TS to a licensee controlled document) or option 4 (pursuing approval of TSTF 330 which requests an AOT). Option 4 would require no further effort from any plant as this is being handled by the TSTF process. It was noted by the LATF that there is a precedent for approving the AOT at Millstone 3 (NRC acknowledged). It was also agreed that no option would eliminate the need to utilize the NOED process in all cases. A member of the LATF offered another option of extending the time required to be in a shut down condition because in the time that it would take to shut down the plant, the problem would probably correct itself (i.e., the temperature would return to within specification on its own).

It was also discussed that this is probably not a generic issue due to the effect on a relatively few number of plants although the plants affected may change from year to year (4 to 5 plants had concerns during the summer of 1999 and 2 plants were affected in the summer of 1998).

The LATF also expressed concern of control of the issue as it seems that many groups are discussing this issue and there is no single point of contact for this issue. This may be causing confusion regarding the status of resolution. A lead person needs to be identified for this issue. It was agreed that this issue should be handled by the TSTF.

4. Other Issues Discussed

Discussion Summary

- 1. The NRC stated that they are developing a process to standardize the license amendment review process. The emphasis on this new process will be on better documentation in the licensees submittals. Guidance on required documentation will also be developed.
- 2. LATF will contact the NRC to schedule the next LATF meeting.

- Attachments:
- 1. List of Attendees
  - 2. LATF Agenda
  - 3. OGC Findings
  - 4. Consolidated Line Item Improvement Process
  - 5. Action Items

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4. Other Issues Discussed

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LICENSING ACTION TASK FORCE MEETING

DECEMBER 1, 1999

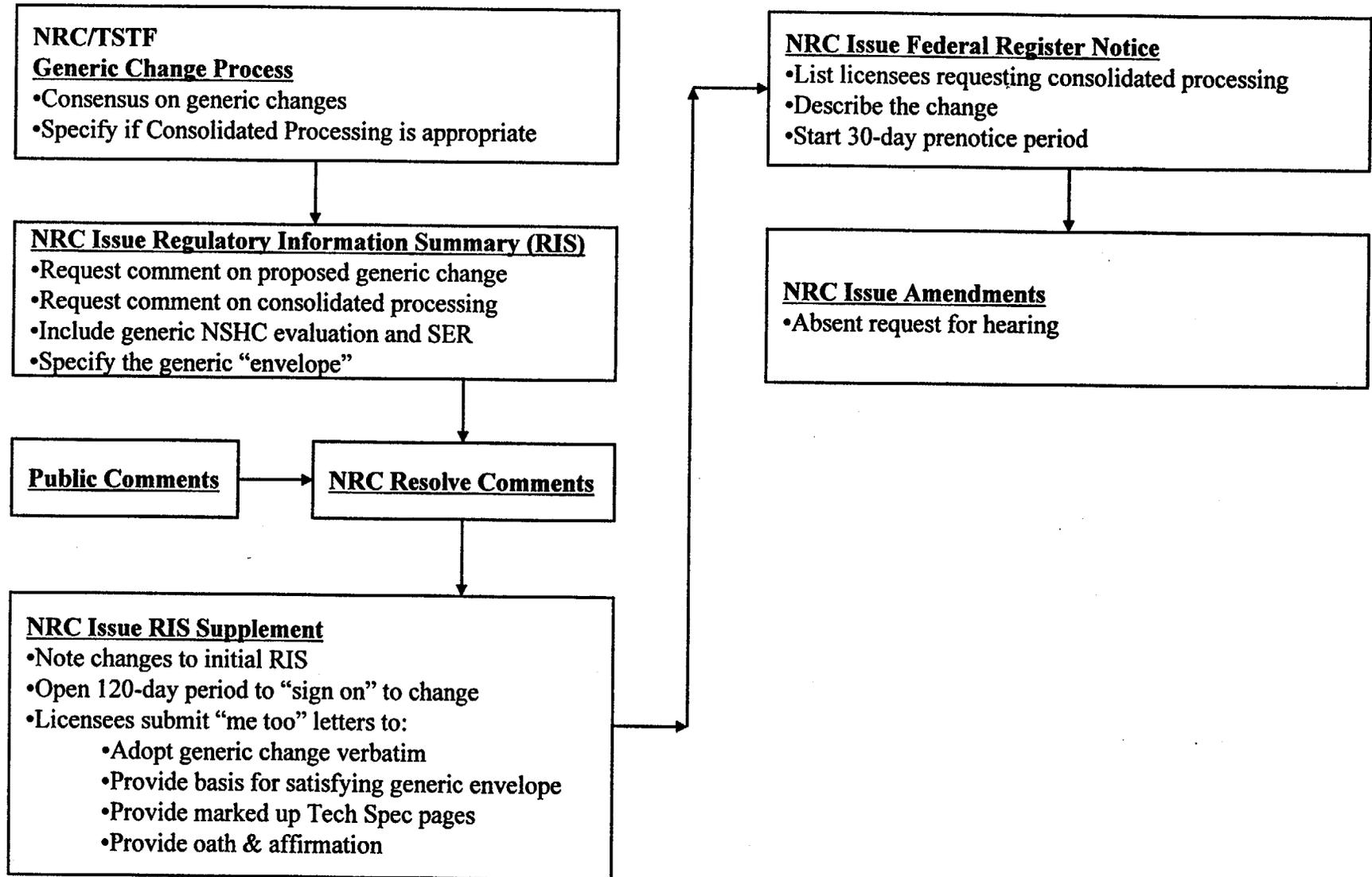
LIST OF ATTENDEES

<u>NAME</u>	<u>ORGANIZATION</u>
Suzanne Black	NRC/NRR/DLPM
Bill Reckley	NRC/NRR/DLPM
Lenny Olshan	NRC/NRR/DLPM
Tilde Liu	NRC/NRR/DRIP
Larry Burkhart	NRC/NRR/DLPM
Catherine Marco	NRC/OGC
Carole Jamerson	NRC/NRR/DLPM
Rick Ennis	NRC/NRR/DLPM
Richard Lobel	NRC/NRR/DSSA
George Hubbard	NRC/NRR/DSSA
Jim Tatum	NRC/NRR/DSSA
Bob Martin	NRC/NRR/DLPM
Jack Donohew	NRC/NRR/DLPM
Nancy Chapman	SERCH/Bechtel
Don Palmrose	NUS-IS
Glenn Warren	BWROG
Pete Kokolakis	NYPA
Mike Schoppman	NEI
Alex Marion	NEI
Al Passwater	AmerenUE
James Fisicaro	Duke Energy
Pedro Salas	TVA
Jim Kenny	PP&L
Harry Pontious	NEI/BWROG/ComEd
Tom Cleary	NU
Everett Perkins	Entergy
John Hufnagel	PECO Energy
Brian McIntyre	Westinghouse

# AGENDA

1. Unintended Tech Spec Changes
2. Consolidated Processing of Generic Tech Spec Changes
3. Options for Managing Challenges to the Ultimate Heat Sink (UHS) Tech Spec Temperature Limits
4. LATF Action Items

# CONSOLIDATED PROCESSING OF GENERIC TECH SPEC CHANGES



## CONSOLIDATED PROCESSING – PILOT PROGRAM

- NRC endorsement of NEI LATF proposed process
- NEI communicate concept to industry
- Work to institutionalize process
- Choose the pilot “generic change”
- NEI develop schedule for pilot program
- NRC/NEI concur on schedule
  - ✓ For example, issue initial Federal Register notice within 4 to 6 weeks to request public comment
- May need more than one pilot

## Ultimate Heat Sink (UHS) – Tech Spec Options

OPTION	PROS	CONS
1. Increase temperature limits in the Tech Specs (reanalysis required).	<ul style="list-style-type: none"> <li>● Less chance of reaching higher (lower) limit.</li> </ul>	<ul style="list-style-type: none"> <li>● Costly reanalysis (\$300K-\$1M)</li> <li>● Doesn't eliminate NOED/ETS if limit is approached.</li> <li>● Not a process solution.</li> </ul>
2. Add ACTION STATEMENT to reduce power within some delta-Temperature of the limits.	<ul style="list-style-type: none"> <li>● Less chance of reaching limit (?)</li> </ul>	<ul style="list-style-type: none"> <li>● May not make any difference for some plants.</li> <li>● Doesn't eliminate NOED/ETS.</li> <li>● Not a process solution.</li> </ul>
3. Move UHS temperature limits out of Tech Specs. TS would read "keep UHS temperature within limits described in UFSAR" (or other controlled document).	<ul style="list-style-type: none"> <li>● Favorable option for NRC (?)</li> <li>● Eliminates UHS challenges as a Tech Spec problem.</li> <li>● Process solution.</li> </ul>	<ul style="list-style-type: none"> <li>● Some reanalysis necessary to establish basis for FSAR wording.</li> </ul>
4. Approve TSTF-330 (8-hour AOT).	<ul style="list-style-type: none"> <li>● Least cost.</li> <li>● Process solution already submitted.</li> <li>● Would eliminate most NOED/ETS situations.</li> </ul>	<ul style="list-style-type: none"> <li>● Doesn't eliminate NOED/ETS if AOT cannot be satisfied.</li> <li>● Reportedly not the favored option of NRC management.</li> </ul>
5. Add "OR" clause to ACTION STATEMENT permitting licensee to perform short-term bounding analysis.	<ul style="list-style-type: none"> <li>● Less chance of NOED/ETS.</li> </ul>	<ul style="list-style-type: none"> <li>● Bounding analysis becomes necessary in a "crisis mode."</li> <li>● Will not necessarily eliminate NOED/ETS.</li> </ul>
6. NRC generic communication on severe weather to establish reporting requirements for short-term exceedance of UHS limits (8-12 hours).	<ul style="list-style-type: none"> <li>● Similar to Option 4.</li> <li>● "Generic" NOED.</li> </ul>	<ul style="list-style-type: none"> <li>● New reporting requirement.</li> <li>● Doesn't eliminate NOED.</li> <li>● Timing probably plant specific</li> </ul>
7. Status quo (NOED + ETS).	<ul style="list-style-type: none"> <li>● Many plants not affected by UHS</li> </ul>	<ul style="list-style-type: none"> <li>● Unnecessary drain on NRC/licensee resources to prepare for NOED/ETS that may not be needed.</li> </ul>

## LATF ACTION ITEMS

#	Action	Due Date	Responsibility	Status
1	Next LATF & LATF/NRC Meeting - This will be a focussed meeting to concentrate on Tech Spec issues and NRC deliverables (Sequoyah pilot, consolidated approvals, UHS limits).	12/1/99	Primary attendees from Tech Spec Team -- other LATF members are welcome to attend.	LATF 11/30/99, 12:30 p.m. LATF/NRC 12/1/99, 8:00 a.m.
2	Next meeting of the LATF.	TBD	Marion/Schoppman	Tentative late January 2000.
3	NRC respond to NEI 8/23/99 comment letter on OL-803.	10/29/99	NRC	COMPLETE. NRC letter dated 10/29/99 (Black to Marion).
4	OLS Team Telecon.	11/2/99	Krainik/Schoppman	COMPLETE (e-mail summary 11/4).
5	Schedule of OLS action items (Code Case approval process, EP/SP plan changes, topical report review process).	10/29/99	OLS Team (Krainik, Osborne, Perkins, Schoppman)	<i>Need to reschedule due date.</i>
6	NRC/LATF Telecon - UHS alternatives.	11/3/99	Schoppman	COMPLETE (e-mail summary 11/5).
7	NRC input on analytical margin associated with UHS temperature limits.	10/29/99	NRC (R. Lobel)	COMPLETE. No apparent margin in SRP or other NRC documents.
8	NSIAC Briefing Paper (LATF actions, deliverables, benefits).	12/6/99	Schoppman/Marion	12/8/99 NSIAC meeting.
9	User Fee Data (1998-99).	TBD	Walker, Osborne, Fiscaro	Selected LATF reps are compiling fee data on licensing actions - to report to NRC at next LATF meeting (~ January 2000).
10	Comments to NRC on NRR Office Letter 1201 (TIAs).	10/29/99	Schoppman/Marion	COMPLETE. NEI letter dated 11/1/99 (Marion to Black).

## LATF ACTION ITEMS

#	Action	Due Date	Responsibility	Status
11	NRC respond to NEI 11/1/99 comment letter on OL-1201.	11/30/99	NRC	
12	Draft White Paper on "precedent" to NRC.	10/29/99	Schoppman/Marion	COMPLETE. NEI letter dated 11/1/99 (Marion to Black).
13	NRC consider making internal database on precedent available to the public.	TBD	NRC	
14	NEI Talking Points on key LATF activities.	1/10/00	Schoppman	
15	NRC Comments/Schedule on Sequoyah Pilot ("unintended Tech Spec actions" - USTAs).	10/15/99	NRC	
16	Convert Sequoyah Pilot on UTSAs to Tech Spec Task Force (TSTF) traveler.	TBD	Schoppman	Depends on NRC comments on pilot submittal.
17	NRC Comments on "Consolidated Approval of Generic Tech Spec Changes."	10/15/99	NRC	Seeking OGC input on legal issues that could hinder consolidation of generic Tech Spec approvals.
18	Query Owners Groups on interest in Consolidated Approval process.	10/29/99	Schoppman/Marion	COMPLETE. All OGs support the LATF concept.
19	NEI schedule for LATF input on "Tech Spec Bases" changes.	TBD	Tech Spec Team (Passwater, Salas, Chernoff, Woodlan, Wuokko, Marion)	
20	NRC publish OL-803, Rev. 3.	12/31/99	NRC	

## LATF ACTION ITEMS

#	Action	Due Date	Responsibility	Status
21	LATF comment on OL-803, Rev. 3.	3/1/99	LATF/Schoppman	NRC does not plan to accept comments on the draft Rev.3, which is scheduled for November.
22	NRC position on definition of "predecisional."	TBD	NRC	Seeking clarification from OGC.
23	NRC describe role of OGC in "licensing action" process.	TBD	NRC	Seeking clarification from OGC.
24	Commission action on Generic Communication process.	None	NRC	COMPLETE. See Regulatory Information Summary 99-01.
25	LATF comments on SECY-99-246, "Proposed Guidelines for Applying Risk-Informed Decisionmaking in License Amendment Reviews," 10/12/99.	1/31/00	ATF	LATF provide comments to NEI Risk-Informed Regulation Working Group.

## UNINTENDED TS ISSUE AND LEGAL REQUIREMENTS

### I. CONCERN

NRC approval of an amendment is mandatory for any change in TS. A mechanism in the TS for permitting licensees to change TS requirements is not a valid substitute for NRC approval of change by way of an amendment.

### II. KEY PROVISIONS OF THE ATOMIC ENERGY ACT

- Section 182

Requires that each application for a license shall state technical specifications. Such technical specifications shall be a part of any license issued.

- Section 189

Requires that the Commission provide 30 days' notice and publish in Federal Register before issuing an operating license or an amendment to an operating license. Thirty days can be shortened where a no significant hazards consideration determination is made.

Requires that the Commission grant a hearing upon the request of any person whose interest may be affected by a proceeding for the granting, suspending, revoking, or amending of any license.

### III. REGULATORY REQUIREMENTS

- 10 CFR 50.90

States that whenever a holder of a license desires to amend the license, application for an amendment must be submitted to the NRC.

- 10 CFR 50.91

Sets forth public comment and state notification provisions for amendment requests.

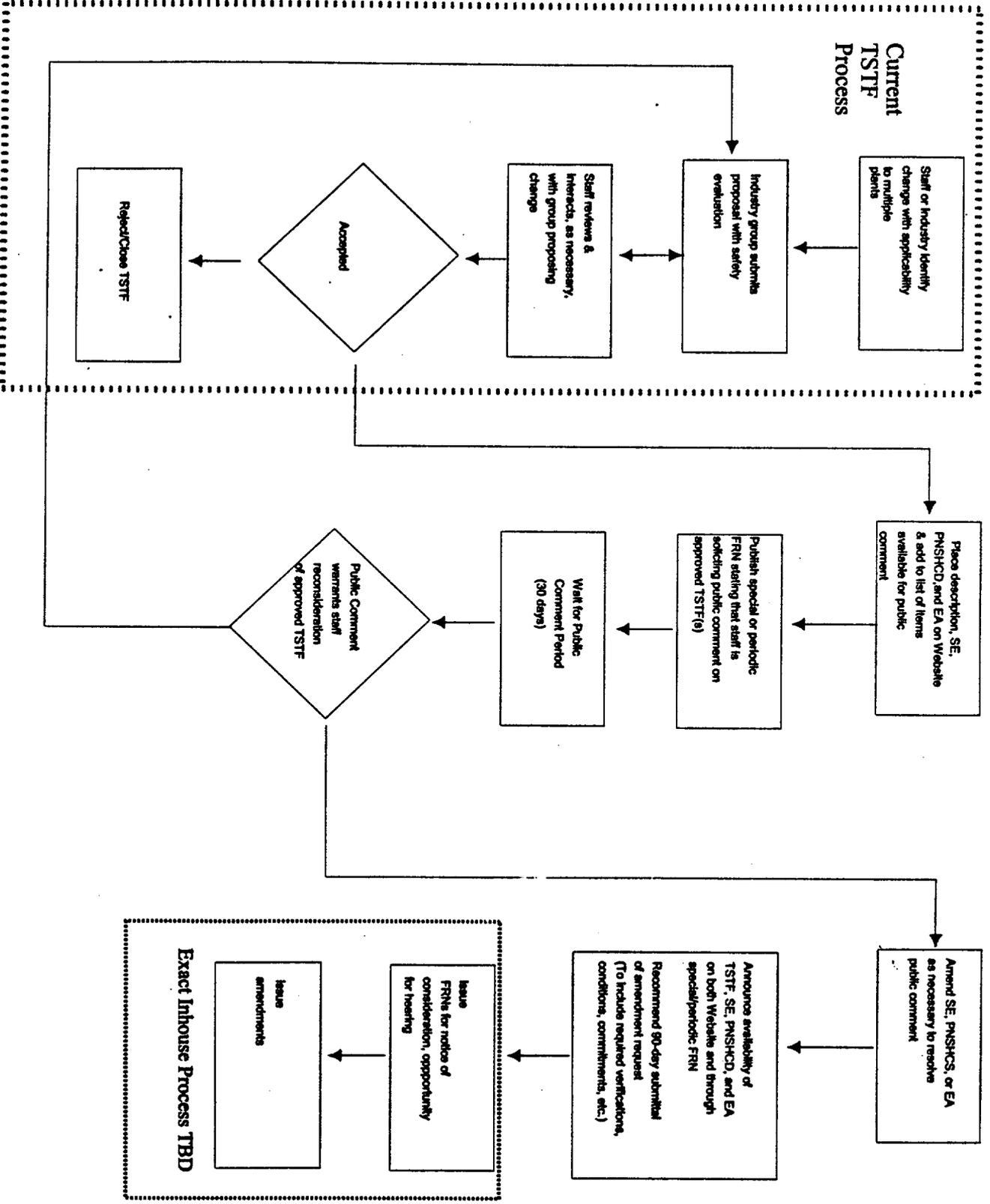
- 10 CFR 50.92

Sets forth requirements for Commission issuance of amendments.

- (Related - - 10 CFR 50.59)

Licensees cannot make changes to the facility as described in the FSAR that involve a change in TS.

# Consolidated Line Item Improvement Process



**ACTION ITEMS FROM  
DECEMBER 1, 1999, LATF MEETING**

	<b>ACTION ITEM/ISSUE</b>	<b>Responsibility</b>	<b>Due Date</b>
1	Response to NEI LATF letter dated 8/23/99 re: OL 803, Rev. 2 <i>CLOSED - NRC letter to NEI dated 10/29/99 (Black to Marion)</i>	NRC	10/29/99 - C
2	Draft of OL 803, Rev. 3 <i>CLOSED - NEI will not review a draft of Rev 3 prior to publication. NEI will review &amp; comment on final Rev 3.</i>	NRC	11/30/99 - C
3	OL 803, Rev. 3 final	NRC	12/31/99
4	Ultimate Heat Sink (UHS) Issue - NEI LATF will discuss with NEI TSTF group and give them thoughts. NEI will present a recommendation on how to handle. <i>CLOSED - NRC/NEI telecon 11/3/99 (see NEI e-mail summary dated 11/5). NRC/NEI discussed options at 12/1/99 LATF meeting. The issue has been referred to the NEI Tech Spec Task Force.</i>	NEI	TBD - C
5	UHS Issue - NRC will look at "margin" issue and provide branch technical position. <i>CLOSED - No generic margin in regulatory guidance documents related to UHS.</i>	NRC	TBD - C
6	NEI LATF will forward recommended guidance re: TS Bases changes. <i>STATUS - NEI LATF is reviewing draft guidance. To be presented at next NRC/NEI LATF meeting.</i>	NEI	Tentatively February 2000

**ACTION ITEMS FROM  
DECEMBER 1, 1999, LATF MEETING**

7	<p>Provide schedule and priority for resolution of Other Licensing Submittals (OLS) issues.</p> <p><i>STATUS - NEI OLS Team telecon held 11/2/99. Followup telecons will be needed. OLS Team schedule to be presented at next NRC/NEI LATF meeting.</i></p>	NEI	Tentatively February 2000
8	<p>Provide feedback on OL 1201, Rev. 2.</p> <p><i>CLOSED - NEI letter to NRC dated 11/1/99 (Marion to Black)</i></p>	NEI	10/29/99 - C
9	<p>Provide feedback to NEI LATF input on OL 1201, Rev. 2.</p>	NRC	1/31/00
10	<p>Provide schedule for resolution of Unintended TS Actions, including FR notice, comment period, completion of draft SE, final resolution, etc.</p> <p><i>STATUS - NEI LATF is reviewing NRC OGC comments received at 12/1/99 LATF meeting.</i></p>	NRC/NEI	TBD
11	<p>Forward recommendations to NRC addressing how to best utilize Precedent TS Changes.</p> <p><i>CLOSED - NEI provided White Paper to NRC by letter dated 11/1/99 (Marion to Black).</i></p>	NEI	10/29/99 - C
12	<p>NEI LATF to provide additional information on NRC costs, if available (similar to the TVA info).</p> <p><i>STATUS - NEI LATF is compiling data from several sites. To be presented at next NRC/NEI LATF meeting.</i></p>	NEI	Tentatively February 2000

**ACTION ITEMS FROM  
DECEMBER 1, 1999, LATF MEETING**

13	<p>Provide schedule for posting database of licensing action precedents on NRC web site.</p> <p><i>STATUS - NRC prepared to make database available to NEI. NRC has decided it is not feasible to include with NRC ADAMS system.</i></p>	NRC	1/31/00
14	<p>Identify performance metrics that may be used to assess improvements in the amendment process (should be part of OL 803, Rev. 3).</p> <p><i>STATUS - NRC preparing draft guideline on licensing action submittals. Continue NRC/NEI LATF dialogue on industry processes used to submit, and NRC processes used to review and approve, licensing actions.</i></p>	NRC/NEI	Tentatively February 2000
15	<p>Determine if legal issues preclude implementation of the proposed consolidated line item improvement concept.</p> <p><i>STATUS - Discussed at 12/1/99 NRC/NEI LATF meeting. NRR staff has prepared a draft flow chart, which has received tentative approval from NRC and OGC management. Continue LATF discussions to refine flow chart.</i></p>	NRC	Tentatively February 2000
16	<p>Provide input to NRC on level of industry interest in consolidated line item improvement concept.</p> <p><i>CLOSED - NEI has discussed concept with B&amp;WOG, BWROG, CEOG, and WOG. Strong consensus in support of concept.</i></p>	NRC	Tentatively February 2000

**ACTION ITEMS FROM  
DECEMBER 1, 1999, LATF MEETING**

17	Comment on OL803, Rev. 3	NEI	TBD
18	Continue discussion of OGC role in "licensing action" process.	NRC/NEI	TBD