



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

April 16, 2018

PARTICIPANTS: NUCLEAR ENERGY INSTITUTE  
ENTERGY NUCLEAR OPERATIONS, INC.

SUBJECT: SUMMARY OF MARCH 20, 2018, MEETING WITH THE NUCLEAR  
ENERGY INSTITUTE AND OTHER INDUSTRY REPRESENTATIVES  
REGARDING THE SURVEILLANCE FREQUENCY CONTROL PROGRAM

On March 20, 2018, a Category 2 public meeting was held between the U.S. Nuclear Regulatory Commission (NRC) staff and representatives from the Nuclear Energy Institute (NEI) and Entergy Nuclear Operations, Inc (Entergy). The purpose of the meeting was to discuss industry concerns regarding the surveillance frequency control program (SFCP) and related change control processes. The March 20, 2018, meeting notice and agenda are available in the Agencywide Documents Access and Management System (ADAMS) at Accession No. ML18068A254. A list of attendees is enclosed.

### Background

The SFCP allows licensees to change the frequency at which certain technical specification (TS) surveillance requirements are performed using NEI 04-10, "Risk-Informed Method for Control of Surveillance Frequencies," Revision 1.<sup>1</sup> The SFCP is incorporated into the administrative controls section of TS by amendment, based on NRC-approved Technical Specification Task Force (TSTF) traveler TSTF-425, Revision 3, "Relocate Surveillance Frequencies to Licensee Control – RITSTF Initiative 5b."<sup>2</sup>

By letter dated February 1, 2018,<sup>3</sup> NEI requested a public meeting regarding recent inspection experience related to the SFCP. The NEI letter referenced a non-cited violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59, "Changes, tests, and experiments," issued on June 29, 2017, to Exelon Generation Company, LLC (Exelon) related to changes to surveillance frequencies under the SFCP at Byron Station, Unit Nos. 1 and 2.<sup>4</sup> By letter dated July 31, 2017, Exelon contested the violation. By letter dated December 21, 2017,<sup>5</sup> the NRC responded to Exelon's July 31, 2017, letter and upheld the violation. By letter dated February 8, 2018,<sup>6</sup> Exelon requested the NRC reconsider its decision to uphold the violation.

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<sup>1</sup> ADAMS Accession No. ML071360456.

<sup>2</sup> ADAMS Accession No. ML090850642.

<sup>3</sup> ADAMS Accession No. ML17180A534.

<sup>4</sup> ADAMS Accession No. ML17180A534.

<sup>5</sup> ADAMS Accession No. ML17355A561.

<sup>6</sup> ADAMS Accession No. ML18039A707.

## Discussion

The NRC staff informed attendees at the start of the meeting that it could not discuss the specifics of the violation at Byron Station, as Exelon's February 8, 2018, letter was currently under review. The focus of the meeting was for the NRC to obtain feedback from the industry regarding generic concerns associated with the SFCP.

The main industry presenters for the NEI-portion of the meeting were David Gullott, Scot Greenlee, Glenn Stewart, and Lisa Williams. The NEI slides used for the discussion are available at ADAMS Accession Nos. ML18089A621. The NEI representatives stated that there were two main issues: (1) misunderstanding of the use of commitments and (2) NRC regional staff not recognizing the SFCP as the dominant change control process. They also indicated that licensees have put surveillance frequency changes on hold while these issues are being resolved.

NEI representatives stated that the SFCP is an NRC-approved process for evaluation changes to surveillance frequencies. They noted that 10 CFR 50.59(c)(4) excludes changes from evaluation under 50.59 when other requirements and criteria are established by regulation for controlling the change. They stated that the SFCP meets the criteria under 50.59(c)(4) and, therefore, changes made under the SFCP are exempt from 50.59. The NRC staff noted that the SFCP is a TS requirement not a regulation. An NEI representative stated that the other regulation in this case is 10 CFR 50.36, "Technical specifications," which requires the TS to include administrative controls.

The NRC staff noted that 10 CFR 50.59 is a process for determining if changes require prior NRC approval, and that 50.59(c)(4) should be read in this context. The staff further noted that the SFCP is a process for determining the acceptability of a surveillance frequency, and is not a process for determining if NRC prior approval is required.

The NEI representatives stated that the SFCP allows licensees to deviate from industry codes and standards. They stated that this was addressed during the approval of NEI 04-10 and the Limerick pilot license amendment request. They stated that the NEI 04-10 evaluation for a surveillance frequency change includes a review of committed and current industry codes and standards. The NEI representatives stated that NRC approval of the SFCP authorizes licensees to change surveillance frequencies contained in codes, standards, and regulatory guides per the NEI 04-10 methodology. If an industry code, standard, or regulatory guide listed in the final safety analysis report (FSAR) is affected by the SFCP, NEI stated that the licensee is required by 10 CFR 50.71(e) to make conforming changes to the FSAR to reflect the revised method of controlling the frequency.

The NEI representatives discussed NEI 04-10 steps 1 to 3, which specifies the SFCP requirements for reviewing and changing commitments. They concluded that the term "commitment" in NEI 04-10 is not referring to frequencies contained in codes, standards, or regulatory guides discussed in the FSAR. They also stated that by regulatory commitments, by definition, are statements that are not subject to a regulatory change control process. NEI provided references to statements in the Office of Nuclear Reactor Regulation Office Instructions LIC-100, "Control of Licensing Bases for Operating Reactors," and LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC," to support these

statements.<sup>7</sup> NEI also stated that the recent NRC backfit training has the right definition of commitments.

The NEI presentation concluded that no changes to TSTF-425 or NEI 04-10 were needed. NEI representatives also stated that changes to other guidance (e.g., NEI 96-07, NEI 99-04) was not needed.<sup>8</sup> The NEI representatives recommended that NRC inspection procedures be updated and communication with inspectors should be done to resolve recent inspection issues.

The presentation for Entergy was made by Philip Couture. The Entergy slides used for the discussion are available at ADAMS Accession Nos. ML18075A123. The presenter cited guidance for 10 CFR 50.59 contained in NEI 96-07 that states: "Maintenance activities are not subject to 10 CFR 50.59, but are subject to the provisions of 10 CFR 50.65(a)(4) as well as technical specifications." It was further noted that the guidance states that updates to the FSAR that are not the result of activities performed under 10 CFR 50.59 are not subject to control under 10 CFR 50.59. The presenter describe the following process for making changes to surveillance frequencies under the SFCP:

1. An NEI 04-10 evaluation is performed, which provides justification for extending the surveillance frequency and revising the SFCP.
2. Maintenance procedures are updated in accordance with 10 CFR 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants."
3. Corresponding changes are made to the FSAR in accordance with 10 CFR 50.71(e).

During the public comment period, a commenter stated that the issues raised during the meeting should be resolved quickly and asked about the timeframe for resolution. The NRC staff stated that it has not yet determined the next steps or a timeframe for resolving the issues.

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<sup>7</sup> ADAMS Accession Nos. ML033530249 and ML16190A013, respectively.

<sup>8</sup> NEI 96-07, "Guidelines for 10 CFR 50.59 Implementation," ADAMS Accession No. ML003771157. NEI 99-04, "Guidelines for Managing NRC Commitment Changes," ADAMS Accession No. ML003680088.

Public meeting feedback forms were not received. Please direct any inquiries to me at 301-415-1380, or [Blake.Purnell@nrc.gov](mailto:Blake.Purnell@nrc.gov).

A handwritten signature in black ink, appearing to read 'Blake Purnell', written in a cursive style.

Blake Purnell, Project Manager  
Plant Licensing Branch III  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Project No. 689

Docket Nos. 50-247, 50-286, 50-293, 50-255,  
50-313, 50-368, 50-416, 50-458,  
and 50-382

Enclosure:  
List of Attendees

cc: Listserv

LIST OF ATTENDEES

MARCH 20, 2018, MEETING

REGARING THE SURVEILLANCE FREQUENCY CONTROL PROGRAM

<b>Name</b>	<b>Affiliation</b>
Blake Purnell	NRC
Margaret Chernoff	NRC
Shawn Williams	NRC
Chris Miller	NRC
Vic Cusumano	NRC
Sara Kirkwood	NRC
Ray Lorson	NRC
Anne Boland	NRC
David Beaulieu	NRC
Harold Chernoff	NRC
Mike King	NRC
Mark Marshfield	NRC
Eva Brown	NRC
Ami Agrawal	NRC
Joe Schoppy	NRC
Richard Skokowski	NRC
David Gullott	Exelon/TSTF
Scot Greenlee	Exelon
Glenn Stewart	Exelon/TSTF
Lisa Williams	Energy Northwest/TSTF
Victoria Anderson	NEI
Philip Couture	Entergy Nuclear Operations
Greg Kent	Duke Energy
Darani Reddick	Exelon
Brian Mann	TSTF
Tim Riti	NEI
Heather Szews	Duke Energy
Pamela Burns	Southern Company
Justin Wearne	PSEG
Michael Phillips	PSEG
Roger Winn	Ameren Missouri
Jayne Ritter	Xcel Energy
Kevin Lynn	DTE Energy – Fermi 2
Jason Haas	DTE Energy – Fermi 2
Scott Maglio	DTE Energy – Fermi 2
Joshua Meisel	DTE Energy – Fermi 2
Bill Demler	Talen Energy - Susquehanna
Jeff Erickson	Entergy - Palisades
Maria Zamber	Entergy - Waterford 3
Anna Blackard	Entergy
Mark Brossart	Xcel Energy

<b>Name</b>	<b>Affiliation</b>
Bob Kalinowski	D.C. Cook Nuclear Plant, American Electric Power
Jim Miksa	Entergy – Palisades
John Conly	Certec Corp.
Shannon Rafferty-Czincila	Exelon
Titus Folds	Entergy – River Bend Station
Vincent Bacanskas	Entergy
Stephen Geier	NEI
John Harrell	Dominion Energy Services, Inc.
Allen Moldenhauer	Dominion Energy Services, Inc.
Larry Smith	Exelon – Calvert Cliffs
Roy Linthicum	Exelon/PWROG
K. Raymond Fine	FirstEnergy Nuclear Operating Company
Gerry Kindred	Tennessee Valley Authority
Karl Gross	NuScale Power
Sara Scott	Xcel Energy
Marty Murphy	Xcel Energy
Steve Catron	NextEra Energy
Mark Thigpen	Entergy - Waterford 3
Alyson Coates	Entergy – River Bend Station
Russell Thompson	Tennessee Valley Authority

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JBowen, EDO  
LBurkhart, EDO  
JHolonich, NRR  
MChernoff, NRR  
SWilliams, NRR  
DBeaulieu, NRR  
SKirkwood, OGC  
JEvans, NRR  
AAgrawal, NRR  
EBrown, NRR  
MMarshfield, OE  
JSchoppy, RI  
RSkokowski, RIII  
MO'Banion, NRR

**ADAMS Accession No.** Meeting Notice ML18054B599    Package ML18099A205  
Meeting Summary ML18099071

OFFICE	NRR/DORL/LPL3/PM	NRR/DORL/LPL3/LA	NRR/DORL/LPL3/BC	NRR/DORL/LPL3/PM
NAME	BPurnell	SRohrer	DWrona	BPurnell
DATE	4/12/18	4/9/18	4/16/18	4/16/18

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