

# NRC Review of Comments and Potential Changes to DG-1351

October 17, 2019

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# Commission Policy

- The purpose of TS is to impose those conditions or limitations upon reactor operation necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety and establishing on them certain conditions of operation which cannot be changed without prior Commission approval.

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# Comment 1

- **Comment:** The purpose of the DG is to endorse NEI 15-03. The DG does not use the same language and purpose as NEI 15-03, but instead follows NRC AL 98-10. The DG should be revised to be consistent with NEI 15-03.
- **Response:** DG intentionally written to be consistent with AL 98-10 and Commission Policy.

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## Comment 2

- **Comment:** The RG discussions on the lack of a TS impose new requirements. The lack of an LCO does not constitute an NCTS.
- **Response:** The staff agrees that the simple absence of a TS requirement is not by itself an NCTS. The final resolution of an NCTS may include the addition of TS requirements.

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## Comment 3

- **Comment:** The discussions on timeliness of corrective actions impose new requirements and could be a backfit. All discussions regarding timeliness should be removed from the DG.
- **Response:** Timeliness discussion is consistent with AL 98-10, GL 91-18, and versions of IMC 0326 prior to 9/30/19.
  - Scope of IMC 0326 was revised on 9/30/19, so guidance on CAP was removed
  - CAP guidance may be relocated

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## Comment 4

- **Comment:** The DG acknowledges that the time limits in the exception are not supported by regulations.
- **Response:** Criterion XVI of 10 CFR Part 50, Appendix B, requires conditions adverse to quality to be promptly identified and corrected.

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## Comment 5

- **Comment 5:** It may not be feasible to correct an NCTS by the next refueling outage, if it was identified near the end of the cycle.
- **Response:** Agree. Typically, final corrective actions should be completed by the end of the next refueling outage. However, longer timeframes may be justified.

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## Comment 6 and 7

- **Comment:** Wording should be added to the DG to improve consistency with IMC 0326.
- **Comment:** Reference to IMC 0326 should be eliminated.
- **Response:** IMC 0326 was substantially revised on 9/30/19. The RG is not intended to replicate guidance in IMC 0326 so reference to IMC 0326 was removed.



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# Revised Exception/Clarification 1

- The NRC staff position is that if the TS are insufficient to ensure plant safety, this condition should be dispositioned as an NCTS in accordance with this guidance. Examples include, but are not limited to, improper or inadequate TS value, required action, or allowed outage time. Methods acceptable to the NRC staff for demonstrating that the TS comply with 10 CFR 50.36 are outside the scope of this guidance.
- Other statements deleted:
  - Clarifications already in NEI 15-03
  - Clarifications repeated elsewhere in DG

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# Revised Exception/Clarification 2.b

- **Original:** The NRC staff notes that the absence of a TS requirement can be an NCTS. Thus, license identification of an NCTS should not be limited to only existing TS requirements.
- **Revised:** The NRC staff agrees that the simple absence of a TS requirement is not by itself an NCTS. However, the final resolution of a TS that is insufficient to ensure plant safety may include the addition of TS requirements through the license amendment process.

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# Revised Exception/Clarification 4.a

- The NRC staff disagrees with the statement that there are no binding requirements for timely corrective actions. The regulations in Criterion XVI of 10 CFR Part 50, Appendix B, clearly establish a requirement for “prompt” identification and correction of conditions adverse to quality.

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# Revised Exception/Clarification 4.a

## Continued

- The NRC staff clarifies that the concept of timeliness is broader than a risk-informed approach to corrective actions (i.e., “safety significance”). The NRC staff’s review and approval of TS changes through the license amendment process is an important part of its regulatory oversight function. As such, the implementation of the final corrective action for an NCTS should be completed as soon as practicable. Final corrective actions for a TS that is insufficient to ensure plant safety should be resolved at the first available opportunity, **typically** no later than the end of the next refueling outage. This timeframe is generally sufficient to complete the license amendment process and for the licensee to implement the amendment. However, final corrective actions for some NCTS may require complex analysis or plant modifications that justify **a longer timeframe for completion**.