

March 03, 2005, Public Meeting with NEI
Technical Specifications Section Observations

Subject: DRAFT NEI 04-01, Revision D, December 21, 2004
Draft Industry Guideline for COL Application Under 10 CFR 52,
Section 4.3.9.16 FSAR Chapter 16, Plant Specific Technical Specifications

I. Section 4.3.9.16.1, Requirements

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• *Section IV, Additional Requirements and Restrictions.... requires COL applicant to include,....PSTS consisting of the generic and site-specific TS, that are required by 10 CFR 50.36 and 50.36a.*

- clarify how PSTS consist of generic and site-specific TS
- 10 CFR 50.36a TS are not specified in operating reactor TS (Appendix A to the license) or in Improved Standard Technical Specifications (NUREGs 1431-1434)
- How are effluent TS per 50.36a incorporated into the COL application?

• *Section VIII, Processes for Changes and Departures, each Design Certification Rule indicates (in item C.4) that an applicant who references the rule may request an exemption from the generic TS or other operational requirements.*

- exemption to Part 52, Appendix A...
- make a technical determination of the acceptability of the proposed exemption
- changes to the TS can involve changes to the design
- guidance is needed to establish a threshold for TS changes that require an exemption request.
- don't believe exemption process in 50.12 can apply equally to numerous design changes

II. Section 4.3.9.16.2, Preparation of Plant Specific Technical Specifications

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• *COL Item 16.1-1; PS DCD Section 16.2.1.1; The set of TS is intended to be used as a guide on the development of the PSTS. COLA referencing AP1000 will replace preliminary information provided in brackets with final plant information*

- guidance is not provided for getting staff acceptance of proposed information in brackets
 - Pre-COL → Staff SE and Hearing
 - Post-COL → 50.90

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• **Bullet #1** - ... *Appendices E and F for the AP1000 and ABWR (respectfully) contain examples of GTS that do not reflect the DCD ITAAC, COL items, interface requirements and TS identified in the text.*

- this instruction is a subset of Table 4.3.9.16-1 (page 176) Item No. 16.1(replace information in [])

• **Bullet #2** - ... *identify inconsistencies (with ITS Writers Guide) and recommend revisions to correct the errors.*

- identify the process during COL application and after COL issuance for incorporating inconsistencies

• **Bullet #3** - *review Bases application of the 10 CFR 50.36 Criteria...TS for SSC not credited in the safety evaluation should be reconsidered..*

- this guidance may be in error..... In the BWR ITS, RCIC is retained in TS based on Criterion 4; however, RCIC is not credited in the safety analysis. A reevaluation would change the acceptance criteria for ECCS-Operating TS Completion Times in the current STS.

- guidance in the example is in error: The AP1000 containment air filtration system (VRS) is not assumed to mitigate a DBA (Fuel Handling Accident) and should not be required. The VRS regulatory requirement basis is defense in depth and are in the current STS.

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• **Bullet #1**- *For regulations, e.g., 10 CFR 50.59, evaluate impact of the changes and recommend revisions to make the references correct. For guidance documents, e.g., RG 1.52, evaluate impact and recommend whether new guidance should be applied.*

- identify the process for incorporating changes/recommendations.

• **Bullet #2** - *identify TSTFs that correct an error or provide significant improvement (e.g., risk-based relaxation) for adoption.*

- identify the process during COL application and after COL issuance for adopting TSTFs.

• **Last paragraph** - *PSTS information not available at the time of submittal of the COLA...should be clearly identified and justified.*

- identify the process for licensing a plant with "incomplete TS" - identify the process for incorporating inconsistencies

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• *"such a filing, i.e., at a date later than the COLA filing,..."*

- the staff needs at least a year prior to operating to review changes to PSTS.