

Plant-Specific Tech Specs – Topics for Discussion

- Expect departures from GTS
- Change process
 - Proposed treatment of bracketed info
 - Use of Section VIII.C.3 vs. VIII.C.4 to establish PSTS
 - Determining GTS info that is “completely reviewed and approved”
- Related issues
 - Post-COL completion of certain PSTS elements
 - Submittal of PSTS reference documents
 - Tracking of generic changes for future use
 - Clarification of generic change applicability



1

Potential Changes from GTS – NEI 04-01 Examples

- ABWR GTS 4.3.3.1, Fuel Storage Capacity, incorrectly requires a minimum storage limit (“no less than”) versus a maximum limit
- ABWR GTS 5.4.2, Bases Control Program, use of “unreviewed safety question” and associated reference to 10 CFR 50.59
- AP1000 GTS 3.9.6, Containment Air Filtration System, during refueling does not meet 10 CFR 50.36 criteria
- Risk-informed improvements / ISTS CLIP Changes
- Other Writer’s Guide corrections & improvements



2

Change Process

- NEI 04-01 proposed treatment of bracketed info as equivalent to “conceptual info”
- Determining which generic TS info was “completely reviewed and approved” in the design certification via review of the FSER
- Guidance alternatives for discussion
 - NEI 04-01 proposed submittal of PSTS under a single Section VIII.C.4 exemption request
 - Potential use of Section VIII.C.3 for NRC issuance of PSTS proposed by COL applicant
 - Other alternatives



3

Additional PSTS Issues

- Post-COL design / construction / pre-op testing amendments
 - e.g., instrumentation setpoints
- Submission of Certain Referenced Documents per TS
 - Manuals (e.g., ODCM)
 - Reports (e.g., COLR & PTLR)
- Generic changes to GTS
 - Tracking for future use
 - Rulemaking
- Clarification of Section VIII.C.2 for generic changes applicability to COL applicants and licensees vs. VIII.C.6 declaration of no further impact on licensees



4

Excerpts from Appendix C to Part 52 – Design Certification Rule for the AP600 Design

II. Definitions

§II.A. Generic design control document (generic DCD) means the document containing the Tier 1 and Tier 2 information and generic technical specifications that is incorporated by reference into this appendix. [Emphasis added]

§II.B. Generic technical specifications means the information, required by 10 CFR 50.36 and 50.36a, for the portion of the plant that is within the scope of this appendix.

§II.E. ... Tier 2 information includes:

1. ... with the exception of [GTS] and conceptual design information

III. Scope and Contents

§III.B. ... Conceptual design information and ... are not part of this appendix

VI. Issue Resolution

§VI. B. The Commission considers the following matters resolved within the meaning of 10 CFR 52.63(a)(4) in subsequent proceedings for issuance of a combined license, amendment of a combined license, or renewal of a combined license, proceedings held pursuant to 10 CFR 52.103, and enforcement proceedings involving plants referencing this appendix:

1. All nuclear safety issues, except for the generic technical specifications and other operational requirements, associated with the information in the FSER and Supplement No. 1, Tier 1, Tier 2 (including referenced information which the context indicates is intended as requirements), and the rulemaking record for certification of the U.S. ABWR design;

VIII. Processes for Changes and Departures

§VIII.C Operational Requirements

§VIII.C.1: Generic changes to generic technical specifications and other operational requirements that were completely reviewed and approved in the design certification rulemaking and do not require a change to a design feature in the generic DCD are governed by the requirements in 10 CFR 50.109. Generic changes that do require a change to a design feature in the generic DCD are governed by the requirements in paragraphs A or B of this section.

§VIII.C.2: Generic changes to generic technical specifications and other operational requirements are applicable to all applicants or licensees who reference this appendix, except those for which the change has been rendered technically irrelevant by action taken under paragraphs C.3 or C.4 of this section.

§VIII.C.3: The Commission may require plant-specific departures on generic technical specifications and other operational requirements that were completely reviewed and approved, provided a change to a design feature in the generic DCD is not required and special circumstances as defined in 10 CFR 2.335 are present. The Commission may modify or supplement generic technical specifications and other operational requirements that were not completely reviewed and approved or require additional technical specifications and other operational requirements on a plant-specific basis, provided a change to a design feature in the generic DCD is not required.

§VIII.C.4: An applicant who references this appendix may request an exemption from the generic technical specifications or other operational requirements. The Commission may grant such a request only if it determines that the exemption will comply with the requirements of 10 CFR 50.12(a). The grant of an exemption must be subject to litigation in the same manner as other issues material to the license hearing.

§VIII.C.5: A party to an adjudicatory proceeding for either the issuance, amendment, or renewal of a license or for operation under 10 CFR 52.103(a), who believes that an operational requirement approved in the DCD or a technical specification derived from the generic technical specifications must be changed may petition to admit into the proceeding such a contention. Such petition must comply with the general requirements of 10 CFR 2.309 and must demonstrate why special circumstances as defined in 10 CFR 2.335 are present, or for compliance with the Commission's regulations in effect at the time this appendix was approved, as set forth in Section V of this appendix. Any other party may file a response thereto. If, on the basis of the petition and any response, the presiding officer determines that a sufficient showing has been made, the presiding officer shall certify the matter directly to the Commission for determination of the admissibility of the contention. All other issues with respect to the plant-specific technical specifications or other operational requirements are subject to a hearing as part of the license proceeding.

§VIII.C.6: After issuance of a license, the generic technical specifications have no further effect on plant-specific technical specifications and changes to the plant-specific technical specifications will be treated as license amendments under 10 CFR 50.90. [Emphasis added]

Statements of Consideration for AP600 DCR (64 FR 72002)

SOC at 72009 (§III.F)

"This provision [§VIII.C] reflects the fact that operational requirements, including generic technical specifications in Section 16.1 of the DCD, were not completely or comprehensively reviewed at the design certification stage. Therefore, the special backfit provisions of § 52.63 do not apply to operational requirements."

SOC at 72013 (§III.H)

"The determination of whether the generic technical specifications and other operational requirements were completely reviewed and approved in the design certification rulemaking is based upon the extent to which an NRC safety conclusion in the FSER is being modified or changed. ... Some generic technical specifications contain bracketed values, which clearly indicate that the NRC staff's review was not complete. [Emphasis added]

"Plant-specific departures may occur by either a Commission order under subparagraph VIII.C.3 or an applicant's exemption request under subparagraph VIII.C.4. ... If the technical specification or operational requirement was comprehensively reviewed and finalized in the design certification rulemaking, then the Commission must demonstrate that special circumstances [per §2.335] are present before ordering a plant-specific departure. If not, there is no restriction on plant specific changes to the technical specifications or operational requirements, prior to issuance of a license, provided a design change is not required.

"... the Commission intends to consider the lessons learned from subsequent operating experience during its licensing review of the plant-specific technical specifications."