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TECHNICAL SPECIFICATIONS TASK FORCE  
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SUBJECT: Technical Specification Task Force (TSTF) Response to the October 17, 2006 Federal Register Notice, "Notice of Opportunity To Comment on Model Safety Evaluation on Technical Specification Improvement To Modify Requirements Regarding Control Room Envelope Habitability Using the Consolidated Line Item Improvement Process"

Enclosed for NRC consideration are comments prepared by the Technical Specification Task Force (TSTF) and the Nuclear Energy Institute (NEI) on the subject October 17, 2006 Federal Register Notice on TSTF-448, Revision 3, "Control Room Habitability."

Should you have any questions, please do not hesitate to contact us.

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Enclosure

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Technical Specification Task Force (TSTF) Response to the October 17, 2006 Federal Register Notice, "Notice of Opportunity To Comment on Model Safety Evaluation on Technical Specification Improvement To Modify Requirements Regarding Control Room Envelope Habitability Using the Consolidated Line Item Improvement Process"

General Comments and Comments on the Notice for Comment

1. In the Notice under "Applicability," the last two sentences state, "Significant variations from the approach, or inclusion of additional changes to the license, will result in staff rejection of the submittal. Instead, licensees desiring significant variations and/or additional changes should submit a license amendment request (LAR) that does not claim to adopt TSTF-448, Rev 3. Should a licensee submit an application that requests adoption of TSTF-448 but includes significant variations or additional changes, it would facilitate the NRC's review for the licensee to acknowledge that the change is based on TSTF-448 so that the NRC may use the model Safety Evaluation to the extent possible. We recommend revising the sentence to state, "Instead, licensees desiring significant variations and/or additional changes should submit a license amendment request (LAR) that does not request to adopt TSTF-448 Rev. 3 under the Consolidated Line Item Improvement Process."
2. There are numerous variations in the model Safety Evaluation based on the plant-specific existing Technical Specifications and design assumptions. However, the model application does not request information from the licensee to support the NRC Staff's preparation of the plant-specific Safety Evaluation. We recommend that the NRC modify Section 2.2 of the Model Application, "Optional Changes and Variations," to request that licensees describe which optional portions of the model Safety Evaluation are applicable.

Comments on the Model Safety Evaluation

1. Section 2.3, "Regulations Applicable to Control Room Habitability," lists General Design Criteria from 10 CFR 50, Appendix A. Many licensees are not committed to the General Design Criteria and the wording of this section may result in many plants proposing an unnecessary variation in response to the required verification that the published safety evaluation is applicable in Section 2.2 of the model application. We recommend adding the following sentence to the first paragraph prior to the last sentence, "Any licensee commitments to these criteria are described in the plant's licensing basis documents."
2. In Section 3.3 "TS [3.7.10, CREEVS], Under "Evaluation 5 - for BWR4 and BWR6 [CREEVS] TS," the Model Safety Evaluation states, "This new actions condition is needed because proposed Action B will only apply in Modes 1, 2, 3, and 4." This should be revised to state, "This new actions condition is needed because proposed Action B will only apply in Modes 1, 2, and 3." The applicability of this Specification for BWR plants is only Modes 1, 2, and 3.
3. In Section 3.3 "TS [3.7.10, CREEVS], Under "Evaluation 6," the Model Safety Evaluation states, "In its response to GL 2003-01, [dated month, dd, yyyy], the licensee reported that it had determined that the [facility name] CRE pressurization surveillance, SR 3.7.[10].[4], was inadequate to demonstrate the operability of the CRE boundary, and proposed to replace it with an inleakage measurement SR and a CRE Habitability Program in TS Section 5.5, in accordance with the approved version of TSTF-448. Based

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on the adoption of TSTF-448, Revision 3, the licensee's proposal to delete SR 3.7.[10].[4] is acceptable."

This statement is overly specific concerning the wording of the licensee's Generic Letter 2003-01 response and may lead to many plants proposing an unnecessary variation in response to the required verification that the published safety evaluation is applicable in Section 2.2 of the model application. The acceptability of the deletion of SR 3.7.[10].[4] is not dependent on the licensee's Generic Letter response, but on the findings in the Generic Letter. We propose revising the sentences to be consistent with the statements in Section 1.0 of the model Safety Evaluation, such as "In Generic Letter 2003-01 (Reference 1), licensees were alerted to findings that the differential pressure surveillance is not a reliable method for demonstrating CRE boundary operability. Based on the adoption of TSTF-448, Revision 3, the licensee's proposal to delete SR 3.7.[10].[4] is acceptable."

Comments on the Proposed No-Significant-Hazards-Consideration Determination

1. To be consistent with 10 CFR 50.91(a), the title of Criterion 2 should be revised to add the word "Accident" before "Previously Evaluated." Specifically, it should state, "The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Accident Previously Evaluated."
2. The last sentence of the Criterion 2 discussion should be revised from "an accident" to "any accident."

Comments on the Model Application

1. The title of the example application should be revised to insert the words "Plant Technical Specifications" before "According to TSTF-448, Revision 3." Specifically, it should state, "The Model Provides The Expected Level Of Detail And Content For An Application To Revise Plant Technical Specifications According To TSTF-448, Revision 3." Note that the sentence is also revised from "Tstf-448" to "TSTF-448."
2. Section 2.2, "Optional Changes and Variations," refers to NEI 99-03, Revision 0, as being dated June 2003. The correct date is June 2001.
3. Attachment 3, "Revised Technical Specification Pages," (also listed as "Proposed Technical Specification Pages") should be shown as optional. Many licensees do not provide retyped technical specification pages in their license amendment requests.
4. The Model Application states, "I declare under penalty of perjury under the laws of the United States of America that I am authorized by [LICENSEE] to make this request and that the foregoing is true and correct." This statement is not consistent with the recommended statement given in RIS 2001-18, "Requirements for Oath or Affirmation." RIS 2001-18 recommends the statement, "I declare [or certify, verify, state] under penalty of perjury that the foregoing is true and correct." Note that RIS 2001-18 states that this

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statement must be used verbatim. We recommend that the Model Application be revised to be consistent with RIS 2001-18.

The next three comments are related to the proposed regulatory commitments listed in Section 3.2, "Verification and Commitments" and repeated in Attachment 4. NRC Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC," defines a regulatory commitment as "an explicit statement to take a specific action agreed to, or volunteered by, a licensee and submitted in writing on the docket to the NRC." Section 4.1 of LIC-105 states, "Regulatory commitments are appropriate for matters in which the staff has significant interest but which do not warrant either legally binding requirements or inclusion in Updated Final Safety Analysis Reports (UFSARs) or programs subject to a formal regulatory change control mechanism." The creation, verification, tracking, and change control of commitments involves significant licensee resources and an unnecessary commitment should not be made as it detracts attention and resources from safety-significant activities.

5. Section 3.2, "Verification and Commitments," Commitment 1 states, "[LICENSEE] commits to the guidance of NEI 99-03, Revision 0, "Control Room Habitability Assessment Guidance" dated June 2001, which provides guidance and details on the assessment and management of control room envelope (CRE) habitability."

This commitment should be deleted. A licensee general commitment to NEI 99-03, Revision 0, is not relied upon in TSTF-448 or the model Safety Evaluation as a basis for finding the proposed changes acceptable. The analysis in the model Safety Evaluation does not support a conclusion that the NRC Staff has a "significant interest" in the matter to warrant a commitment.

There are only two references to NEI 99-03 in TSTF-448 and in the model Safety Evaluation:

- a. The model Safety Evaluation refers to NEI 99-03, Revision 0, in Section 3.4, "TS 5.5.[18], CRE Habitability Program," as one of two documents (with Regulatory Guide 1.196) containing guidance related to configuration control and maintenance of the control room envelope boundary. TSTF-448, Revision 3, proposed Specification 5.5.[18], "Control Room Envelope Habitability Program," paragraph b, requires that the licensee's Control Room Envelope Habitability Program include requirements for maintaining the control room envelope boundary in its design condition including configuration control and preventative maintenance. NEI 99-03, Revision 0, discusses configuration control and maintenance in Section 9.4, "Configuration Control," which contains only generic guidance applicable to any configuration control program and which encompasses less than 2 pages of a 177 page document. A generic commitment to all of NEI 99-03, Revision 0, for this purpose is unnecessary and unjustified. The appropriate control is already provided by the Technical Specifications and NEI 99-03 is only one method of meeting the Technical Specification requirement.

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- b. The proposed Bases for SR 3.7.[10].[4] (the inleakage test) state, "Compensatory measures are discussed in Regulatory Guide 1.196, Section C.2.7.3, (Ref. 5) which endorses, with exceptions, NEI 99-03, Section 8.4 and Appendix F (Ref. 6)." This very specific reference in the Technical Specification Bases to portions (8 pages of the 177 page document) of NEI 99-03 do not justify a generic commitment to the entire document.
6. Section 3.2, "Verification and Commitments," Commitment 2 states, "[LICENSEE] will revise procedures to implement the new surveillance and programmatic TS requirements related to CRE habitability."

This commitment should be deleted. Under the terms of the license, licensees must follow their Technical Specifications. Title 10 of the Code of Federal Regulations, Part 50, Appendix B, Criterion V, requires that activities affecting quality be prescribed by documented procedures and Criterion VI requires that these documents be controlled. The proposed commitment is a generic requirement to update procedures to reflect a change to the Technical Specifications that is already required under the license and the regulations and that is applicable to every Technical Specification change. Furthermore, an issued amendment contains a requirement to implement the change by a specified date or within a specified number of days. This requires the implementation of the associated procedure changes. Therefore, this proposed commitment is unnecessary and duplicative of existing requirements and should be deleted.

7. Section 3.2, "Verification and Commitments," Commitment 3 states, "[LICENSEE] commits to Regulatory Positions C.1 and C.2 of Regulatory Guide 1.197, 'Demonstrating Control Room Envelope Integrity at Nuclear Power Reactors,' Revision 0, May 2003, with the following exceptions: [Add descriptions of proposed exceptions.]"

This commitment should be deleted as the same requirement appears in the proposed Technical Specifications. TSTF-448, Revision 3, proposed Specification 5.5.[18], "Control Room Envelope Habitability Program," paragraph c, states, "Requirements for (i) determining the unfiltered air inleakage past the CRE boundary into the CRE in accordance with the testing methods and at the Frequencies specified in Sections C.1 and C.2 of Regulatory Guide 1.197, 'Demonstrating Control Room Envelope Integrity at Nuclear Power Reactors,' Revision 0, May 2003, and (ii) assessing CRE habitability at the Frequencies specified in Sections C.1 and C.2 of Regulatory Guide 1.197, Revision 0. [The following are exceptions to Sections C.1 and C.2 of Regulatory Guide 1.197, Revision 0:" As stated in LIC-105, regulatory commitments are appropriate for matters in which the staff has significant interest but which do not warrant legally binding requirements. Commitment 3 should be deleted because it duplicates a legally binding requirement in the Technical Specifications.