[7590 P]

NUCLEAR REGULATORY COMMISSION

TECHNICAL SPECIFICATION IMPROVEMENT TO REVISE DIESEL FUEL OIL TESTING PROGRAM USING THE CONSOLIDATED LINE ITEM IMPROVEMENT PROCESS

AGENCY: Nuclear Regulatory Commission

ACTION: Notice of Availability

SUMMARY: Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC) has prepared a model Application related to changes to the Diesel Fuel Oil Testing Programs. The changes relocate references to specific American Society for Testing and Materials (ASTM) standards for fuel oil testing to licensee-controlled documents and adds alternate criteria to the “clear and bright” acceptance test for new fuel oil. The NRC staff has also prepared a model safety evaluation (SE) and no significant hazards consideration (NSHC) determination relating to this matter. The purpose of these models is to permit the NRC to efficiently process amendments that propose to adopt the associated changes into plant-specific technical specifications (TS). Licensees of nuclear power reactors to which the models apply could request amendments confirming the applicability of the SE and NSHC determination to their reactors.

DATES: The NRC staff issued a *Federal Register* Notice (71 FRN 9179, February 22, 2006) that provided a model SE and a model NSHC determination relating to changes to the Diesel Fuel Oil Testing Programs. The NRC staff hereby announces that the model SE and NSHC determination may be referenced in plant-specific applications to adopt the changes. The staff has posted a model application on the NRC web site to assist licensees in using the

consolidated line item improvement process (CLIIP) to revise TS Diesel Fuel Oil Testing Programs. The NRC staff can most efficiently consider applications based upon the model application if the application is submitted within one year of this *Federal Register* Notice.

FOR FURTHER INFORMATION, CONTACT: Peter C. Hearn, Mail Stop: O12H2, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-1189.

SUPPLEMENTARY INFORMATION: Regulatory Issue Summary 2000-06, "Consolidated Line Item Improvement Process for Adopting Standard Technical Specification Changes for Power Reactors," was issued on March 20, 2000. The CLIIP includes an opportunity for the public to comment on proposed changes to operating licenses, including the technical specifications (TS), after a preliminary assessment by the NRC staff and a finding that the change will likely be offered for adoption by licensees. The CLIIP directs the NRC staff to evaluate any comments received for a proposed generic change to operating licenses and to either reconsider the change or to proceed with announcing the availability of the change for proposed adoption by licensees. Those licensees opting to apply for the subject change to operating licenses are responsible for reviewing the NRC staff's evaluation, referencing the applicable technical justifications, and providing any necessary plant-specific information. Each amendment application made in response to the notice of availability will be processed and noticed in accordance with applicable rules and NRC procedures. This notice involves changes to the Diesel Fuel Oil Testing Programs.

APPLICABILITY: This proposed change to the standard technical specifications (STS) was submitted by the Technical Specifications Task Force (TSTF) in TSTF-374, “Revision to TS 5.5.13 and Associated TS Bases for Diesel Fuel Oil,” and is applicable to all nuclear power reactors.

This proposal to modify technical specification requirements by the adoption of TSTF-374 is applicable to all licensees of Combustion Engineering, Babcock & Wilcox, Westinghouse Pressurized Water Reactors, and General Electric Boiling Water Reactors who have adopted or will adopt in conjunction with the change, technical specification requirements for a Bases control program consistent with the TS Bases Control Program described in Section 5.5 of the STS. Licensees that have not adopted requirements for a Bases control program by converting to the improved STS or by other means, are requested to include the requirements for a Bases control program consistent with the STS in their application for the change. The need for a Bases control program stems from the need for adequate regulatory control of some key elements of the proposal that are contained in the Bases upon adoption of TSTF-374. The staff is requesting that the Bases changes be included with the proposed license amendments consistent with the Bases in TSTF-374. To ensure that the overall change, including the Bases, includes appropriate regulatory controls, the staff plans to condition the issuance of each license amendment on the licensee's incorporation of the changes into the Bases document and on requiring the licensee to control the changes in accordance with the Bases Control Program.

To efficiently process the incoming license amendment applications, the NRC staff requests that each license applying for the changes addressed in TSTF-374 use the CLIIP to submit an application that adheres to the following model. Any deviations from the model application should be explained in the licensee's submittal.

The CLIIP does not prevent licensees from requesting an alternate approach or proposing changes other than those proposed in TSTF-374. Variations from the approach recommended in this notice may, however, require additional review by the NRC staff and may increase the time and resources needed for the review. 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 LAR that does not claim to adopt TSTF-374.

PUBLIC NOTICES: In a *Federal Register* Notice dated February 22, 2006 (71 FRN 9179), the NRC staff requested comment on the use of the CLIIP to process requests to adopt the TSTF-374 changes. In addition, there have been multiple notices published for plant-specific amendment requests to adopt changes similar to those described in this notice.

The NRC staff's model SE and model application may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records are accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Library component on the NRC Web site, (the Electronic Reading Room).

The NRC staff received no responses following the notice published February 22, 2006 (71 FRN 9179), soliciting comments on the model SE and NSHC determination related to the TSTF-374 changes. The NRC staff finds that the previously published models remain appropriate references and has chosen not to republish the model SE and model NSHC determination in this notice. As described in the model application prepared by the NRC staff, licensees may reference in their plant-specific applications to adopt the TSTF-374 changes, the model SE, NSHC determination, and environmental assessment previously published in the *Federal Register* (71 FRN 9179); February 22, 2006).

Dated at Rockville, Maryland, this 14th day of April 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Timothy J. Kobetz, Chief
Technical Specifications Branch
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

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Timothy J. Kobetz, Chief
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Office of Nuclear Reactor Regulation

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ADAMS ACCESSION NUMBER: ML071010061

OFFICE	DIRS/ITSB	DIRS/ITSB	DIRS/ITSB/BC
NAME	EThomas	PHearn	TKobetz
DATE	04/13/2006	04/13/2006	04/14/2006

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FOR INCLUSION ON THE TECHNICAL SPECIFICATION WEB PAGE, THE FOLLOWING EXAMPLE OF AN APPLICATION WAS PREPARED BY THE NRC STAFF TO FACILITATE USE OF THE CONSOLIDATED LINE ITEM IMPROVEMENT PROCESS (CLIIP). THE MODEL PROVIDES THE EXPECTED LEVEL OF DETAIL AND CONTENT FOR AN APPLICATION TO ADOPT TSTF-374, REVISION 0, REVISION TO TS 5.5.13 AND ASSOCIATED TS BASES FOR DIESEL FUEL OIL USING CLIIP. LICENSEES REMAIN RESPONSIBLE FOR ENSURING THAT THEIR ACTUAL APPLICATION FULFILLS THEIR ADMINISTRATIVE REQUIREMENTS AS WELL AS NUCLEAR REGULATORY COMMISSION REGULATIONS.

U. S. Nuclear Regulatory Commission
Document Control Desk
Washington, D. C. 20555

SUBJECT: PLANT NAME
DOCKET NO. 50-
APPLICATION FOR TECHNICAL SPECIFICATION CHANGE TSTF-374, REVISION TO TS 5.5.13 AND ASSOCIATED TS BASES FOR DIESEL FUEL OIL USING CONSOLIDATED LINE ITEM IMPROVEMENT PROCESS

Gentlemen:

In accordance with the provisions of 10 CFR 50.90 [LICENSEE] is submitting a request for an amendment to the technical specifications (TS) for [PLANT NAME, UNIT NOS.].

The proposed amendment would modify TS by relocating references to specific American Society for Testing and Materials (ASTM) standards for fuel oil testing to licensee-controlled documents and adding alternate criteria to the “clear and bright” acceptance test for new fuel oil.

Enclosure 1 provides a description of the proposed change, the requested confirmation of applicability, and plant-specific verifications. Enclosure 2 provides the existing TS pages marked up to show the proposed change. Enclosure 3 provides revised (clean) TS pages. Enclosure 4 provides the existing TS Bases pages marked up to show the proposed change (*for information only*).)

[LICENSEE] requests approval of the proposed license amendment by [DATE], with the amendment being implemented [BY DATE OR WITHIN X DAYS].

In accordance with 10 CFR 50.91, a copy of this application, with enclosures, is being provided to the designated [STATE] Official.

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. (Note that request may be notarized in lieu of using this oath or affirmation statement).

If you should have any questions regarding this submittal, please contact [NAME, TELEPHONE NUMBER]

Sincerely,
[Name, Title]

Enclosures:
1. Description and Assessment
2. Proposed Technical Specification Changes
3. Revised Technical Specification Pages
4. Proposed Changes to the Technical Specifications Bases Pages

cc: NRC Project Manager
NRC Regional Office
NRC Resident Inspector
State Contact

Description and Assessment

1.0 DESCRIPTION

The proposed amendment would modify technical specifications by relocating references to specific American Society for Testing and Materials (ASTM) standards for fuel oil testing to licensee-controlled documents and adding alternate criteria to the "clear and bright" acceptance test for new fuel oil.[1]

The changes are consistent with Nuclear Regulatory Commission (NRC) approved Industry/Technical Specification Task Force (TSTF) TSTF-374 Revision 0. The availability of this TS improvement was published in the *Federal Register* on [DATE] as part of the consolidated line item improvement process (CLIIP).

2.0 ASSESSMENT

2.1 Applicability of TSTF-374, and Published Safety Evaluation

[LICENSEE] has reviewed TSTF-374 (Reference 1), and the NRC model safety evaluation (SE) (Reference 2) as part of the CLIIP. [LICENSEE] has concluded that the information in TSTF-374, as well as the SE prepared by the NRC staff are applicable to [PLANT, UNIT NOS.] and justify this amendment for the incorporation of the changes to the [PLANT] TS. [NOTE: Only those changes proposed in TSTF-374 are addressed in the model SE. The model SE addresses the entire fleet of Combustion Engineering, Babcock & Wilcox, Westinghouse Pressurized Water Reactors, General Electric, and Boiling Water Reactor plants. The plants adopting TSTF-374 must confirm the applicability of the changes to their plant.]

2.2 Optional Changes and Variations

[LICENSEE] is not proposing any variations or deviations from the TS changes described in the TSTF-374 or the NRC staff's model safety evaluation dated [DATE]. [NOTE: The CLIIP does not prevent licensees from requesting an alternate approach or proposing changes without the requested Bases or Bases control program. However, deviations from the approach recommended in this notice may require additional review by the NRC staff and may increase the time and resources needed for the review. 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 LAR that does not claim to adopt TSTF-374.]

3.0 REGULATORY ANALYSIS

3.1 No Significant Hazards Consideration Determination

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[1][In conjunction with the proposed change, technical specifications (TS) requirements for a Bases Control Program, consistent with the TS Bases Control Program described in Section 5.5 of the applicable vendor's standard TS (STS), shall be incorporated into the licensee's TS, if not already in the TS.]

[LICENSEE] has reviewed the proposed no significant hazards consideration determination (NSHCD) published in the *Federal Register* as part of the CLIIP. [LICENSEE] has concluded that the proposed NSHCD presented in the Federal Register notice is applicable to [PLANT] and is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

3.2 Verification and Commitments

As discussed in the notice of availability published in the *Federal Register* on [DATE] for this TS improvement, plant-specific verifications were performed as follows:

[LICENSEE] has proposed TS Bases consistent with TSTF-374, which provide guidance and details on how to implement the new requirements. In addition, [LICENSEE] has a Bases Control Program consistent with Section 5.5 of the Standard Technical Specifications (STS).

4.0 ENVIRONMENTAL EVALUATION

The amendment changes requirements with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment adopting TSTF-374, Rev 0, involves no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that TSTF-374, Rev 0, involves no significant hazards considerations, and there has been no public comment on the finding in Federal Register Notice 70 FRN 9179, February 22, 2006. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

5.0 REFERENCES

1. TSTF-374, Revision 0, “Revision to TS 5.5.13 and Associated TS Bases for Diesel Fuel Oil.”

2. NRC Model Safety Evaluation

PROPOSED TECHNICAL SPECIFICATION CHANGES (MARK-UP)

Enclosure 2

PROPOSED TECHNICAL SPECIFICATION PAGES

[Clean copies of Licensee specific Technical Specification (TS) pages, corresponding to the TS pages changed by TSTF-374, Rev 0, are to be included in Enclosure 3]

PROPOSED CHANGES TO TECHNICAL SPECIFICATION BASES PAGES

Enclosure 4

REVIEW PLAN FOR ADOPTION OF TSTF-374

Responsibility	Action	Timeliness*	
		STS Plants	**Non-STS Plants**
NRC Project Manager	Follow LIC-101 procedures. Develop work plan with ITSB as Lead Review Branch	*Time from receipt of licensee's amendment request*	
		10 days (5 hours charged to TRIM)	10 days (10 hours charged to TRIM)
ITSB Reviewer	Perform acceptance review by comparing licensee's submittal with model LAR on ITSB website. Accept or reject LAR as a TSTF-related submittal based on consistency with TSTF-374 & quality of information presented by the licensee.	*Time from receipt of WPC Green Sheet*	
		10 days (5 hours charged to TRIM)	20 days (10 hours charged to TRIM)
ITSB Reviewer	Draft licensee-specific SE based on model SE from the ITSB website.	*Time following completion of acceptance review*	
		20 days (10 hours charged to TRIM)	40 days (20 hours charged to TRIM)

* Licensees who submit incomplete, less detailed, or applications inconsistent with TSTF-374 can expect longer review times, requests for additional information, or LAR rejection.

Plants using Custom Technical Specifications (CTS) can expect a longer review time, as CTS inhibit NRC's ability to review TSTF-related LARs under this accelerated program.

MEMORANDUM TO: [Name], Chief
Plant Licensing Branch [Letter]
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

FROM: Thomas H. Boyce, Chief
Technical Specifications Branch
Division of Inspection and Regional Support

VIA: [Name], Chief
[Tech Branch Name]
[Division]

SUBJECT: SAFETY EVALUATION INPUT FOR [PLANT NAME] LICENSE AMENDMENT TO ADOPT TSTF-[NUMBER] AS PART OF THE CONSOLIDATED LINE ITEM IMPROVEMENT PROCESS (CLIIP)

The Technical Specifications Branch (ITSB) has completed its plant-specific safety evaluation (SE) in response to [Licensee's] submittal of [Date], which requested adoption of TSTF-[number] as part of the CLIIP. ITSB found the licensee's submittal to be in agreement with the model application, and therefore acceptable. (*Optional)* [All deviations from the model application were addressed by the licensee. ITSB drafted its SE based on the model provided in the NRC Notice of Availability published on [Date] ([ ] FR [ ]) (*optional)* [with the following modifications: list any modifications or deviations].

This completes ITSB's work on TAC number(s) [number(s)]. Based on previous approvals of CLIIP amendments adopting TSTF-[number], ITSB [does/does not] recommend routing the final amendment package through the Office of General Counsel.

CONTACTS: [Name], DIRS/ITSB
415-xxxx

DISTRIBUTION:
ITSB RF TBoyce
[ITSB Reviewer] PHearn

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OFC	DIRS/ITSB	DIRS/ITSB/BC
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