NRCREP - Comments on the November 21, 2007 Federal Register Notice for Comment on TSTF-431, Revision 2

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From: "Brian Mann" <brianm@excelservices.com>
To: <cliip@nrc.gov>
Date: 12/21/2007 8:55 AM
Subject: Comments on the November 21, 2007 Federal Register Notice for Comment on TSTF-431, Revision 2
CC: "'Ravinder Grover'" <RPG2@nrc.gov>

The Technical Specifications Task Force provides the following comments on the November 21, 2007 Federal Register Notice for Comment on TSTF-431, Revision 2, "Change in Technical Specifications End States (BAW-2441)."

1) TSTF-431, Revision 2, contained changes to several specifications, including Specification 3.8.7, "Inverters - Operating." Specification 3.8.7 is listed as an affected specification in the Summary and in the Introduction of the Proposed Model Plant Specific Safety Evaluation. However, unlike the other affected specifications, Section 3.2, "Assessment of TS Changes," of the Proposed Model Plant Specific Safety Evaluation does not contain an evaluation of Specification 3.8.7. This appears to be an oversight that should be corrected in the Notice of Availability.

2) In two locations in the Proposed Model Plant Specific Safety Evaluation, Section 2.0, refers to 10 CFR 50.36(c). On August 28, 2007, the NRC revised 10 CFR 50.36 and the discussion of Technical Specifications was moved to 10 CFR 50.36(d).

3) In Section 3.2, "Risk Assessment," of the Proposed Model Plant Specific Safety Evaluation, under "Configuration Risk Management (Tier 3)," the following statement is made: "In addition, to the extent that the plant PRA is utilized in the CRMP, the plant PRA quality will be assessed in accordance with NRC Regulatory Issue Summary 2007-06, 'Regulatory Guide 1.200 Implementation'." This sentence should be deleted. As stated in the preceding sentences, the Configuration Risk Management Program (CRMP) is a licensee program in place to comply with 10 CFR 50.65(a)(4). Regulatory Issue Summary (RIS) 2007-06 discusses how the NRC will use Regulatory Guide 1.200 to assess the PRA adequacy of licensee submittals to the NRC. RIS 2007-06 makes no mention licensee-controlled programs that are not reviewed by the NRC, such as the CRMP. Therefore, the sentence is inaccurate in that the NRC will not assess the licensee-controlled CRMP under the proposed CLIIP.

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

6) 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 NRC staff rejection of the submittal. Instead,

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licensees desiring significant variations and/or additional changes should submit a LAR that does not claim to adopt TSTF-431, Revision 2." Should a licensee submit an application that requests adoption of TSTF-431 but includes significant variations or additional changes (for example, as part of a license amendment request to convert to the Standard Technical Specifications), it would facilitate the NRC's review for the licensee to acknowledge that the change is based on TSTF-431 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 LAR that does not request to adopt TSTF-431 under the Consolidated Line Item Improvement Process."

7) To be consistent with 10 CFR 50.91(a), the title of Criterion 2 in the Proposed No Significant Hazards Consideration Determination 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." The word "an" should be changed to "any" in the last sentence of the Criterion 2 evaluation.

8) Enclosure 3, "Revised Technical Specification Pages," should be shown as optional. Many licensees do not provide retyped technical specification pages in their license amendment requests.

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

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Mail Envelope Properties (476BC5C2.732 : 21 : 14130)

Subject: Comments on the November 21, 2007 Federal Register Notice for Comment on TSTF-431, Revision 2
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