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SUBJECT: Technical Specification Task Force (TSTF) Response to the December 5, 2008 Federal Register Notice, "Notice of Opportunity to Comment on Model Safety Evaluation on Technical Specification Improvement to Relocate Surveillance Frequencies to Licensee Control - Risk-Informed Technical Specification Task Force (RITSTF) Initiative 4b, Technical Specification Task Force-425, Revision 2."

Enclosed for NRC consideration are comments prepared by the Technical Specification Task Force (TSTF) on the subject December 5, 2008 Federal Register Notice on TSTF-425, Revision 2, "Relocate Surveillance Frequencies to Licensee Control - RITSTF Initiative 5b."

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

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Technical Specification Task Force (TSTF) Response to the December 5, 2008 Federal Register Notice for Comment on TSTF-425, Revision 2, "Relocate Surveillance Frequencies to Licensee Control - RITSTF Initiative 5b"

Comments on the Model Application

1. The model application contains statements that are not consistent with a letter from a licensee to the NRC, and in many cases the model application is worded similar to the NRC-issued Safety Evaluation. For example, Section 2.1, paragraph 2, of the model application states, "The licensee has submitted documentation which identifies the quality characteristics of those models, as described in RG 1.200 (ADAMS Accession No. ML070240001)." We recommend that the model application be reviewed from the standpoint of a letter from a specific licensee to the NRC and modify the wording to be consistent with that task. For example, if Comment 2 is incorporated, the sentence above could be rewritten as discussed in Comment 6, below.
2. We recommend that the licensee's documentation of PRA adequacy be a new Attachment 2 and the existing attachments be renumbered. This will allow standardization of the model amendment and allow reference to the attachment number in the Safety Evaluation.
3. Attachment 3 of the model application includes the revised (clean) Technical Specification (TS) pages. Whether licensees are requested to include clean typed TS pages with license amendments varies among the NRC Project Managers. Given the number of pages affected by this amendment and the straightforward nature of the changes, this attachment should be marked as optional, allowing the licensee and the NRC Project Manager to decide whether clean TS pages should be submitted.
4. Attachment 5 of the model application includes the affected Bases pages. In the transmittal letter for TSTF-425, Revision 1, dated April 20, 2007, the TSTF stated, "In the CLIIP model application for TSTF-425, we request that NRC reflect that appropriate plant-specific changes will be made to the Technical Specifications Bases by the licensees under the Technical Specification Bases Control Program and that, therefore, revised Bases pages need not be included. This will significantly reduce the size of the plant-specific license amendment requests submitted to adopt TSTF-425."

As further discussed in the TSTF's response to NRC's RAI #8 (Letter from TSTF to NRC dated January 17, 2008, "Response to NRC Request for Additional Information Regarding TSTF-425, Revision 1, 'Relocate Surveillance Frequencies to Licensee Control - RITSTF Initiative 5b,' dated October 2, 2007"), licensees have the option of retaining the existing description of the Frequency in their Bases (as adoption of TSTF-425 does not alter any existing Frequencies) or of adopting the recommended Bases in TSTF-425. In either case, neither the existing Bases nor the revised Bases in TSTF-425 include any information material to the NRC's review. Therefore, we recommend that the model application be revised to not reference the inclusion of Bases changes. See also the related comment on the Safety Evaluation below.

5. Section 2.1, "Applicability of the Published Safety Evaluation," first paragraph, states, "[LICENSEE] has reviewed the safety evaluation dated [DATE]. This review included a review of the NRC staff's evaluation, the supporting information provided to support TSTF-425, Rev. 2, and the requirements specified in NEI 04-10, Rev. 1, (ADAMS Accession No.

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ML071360456)." It is not clear what information is included in "the supporting information provided to support TSTF-425, Rev. 2." In order for licensees to provide complete and accurate information, a more specific description is needed.

6. Section 2.1, "Applicability of the Published Safety Evaluation," contains two numbered paragraphs joined by an "and" referring to documentation of PRA adequacy. These paragraphs do not provide sufficient guidance to a licensee on what should be submitted. Using the change in Comment 2, we recommend that these paragraphs be replaced with the following, "Attachment 2 includes documentation with regard to PRA technical adequacy consistent with the requirements of Regulatory Guide 1.200, Revision 1, Section 4.2, and describes any PRA models without NRC-endorsed standards, including documentation of the quality characteristics of those models in accordance with Regulatory Guide 1.200." Additional guidance, if available, such as preferred organization of the information, can be added to the model application in Attachment 2.
7. We recommend Section 2.2, "Optional changes and variations," be replaced with, "The proposed amendment is consistent with the TS changes described in TSTF-425, Rev. 2, but proposes to modify the plant-specific Surveillances, which may include more or less Surveillances than those modified in TSTF-425, Rev. 2, and those plant-specific Surveillances may have differing Surveillance numbers. The plant-specific changes are consistent with the NRC staff's model safety evaluation dated [DATE], especially the scope exclusions in Section 1.0 of that model safety evaluation, as revised."
8. The proposed regulatory commitment in Attachment 4 to implement NEI 04-10, Rev. 1, should be deleted. The Technical Specification Administrative Controls, "Surveillance Frequency Control Program," required to be adopted as part of the amendment, states, "Changes to the Frequencies listed in the Surveillance Frequency Control Program shall be made in accordance with NEI 04-10, "Risk-Informed Method for Control of Surveillance Frequencies," Revision 1."

NRC Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC," 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." As TSTF-425, Rev. 2, proposes to have a Technical Specification requirement to implement NEI 04-10, Rev. 1, which is a legally binding requirement, a regulatory commitment to implement NEI 04-10, Rev. 1, is unnecessary.

9. The "Proposed No Significant Hazards Consideration Determination" Criterion 3 discussion, should be revised as shown, "To evaluate a change in the relocated surveillance frequency, [LICENSEE] will perform a probabilistic risk evaluation using the guidance contained in NRC approved NEI 04-10, Rev. 1."

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Comments on the Proposed Safety Evaluation

10. Section 1.0, "Introduction," states that all Surveillance Frequencies can be relocated except those meeting four conditions. The first three conditions are a restatement of the conditions described in TSTF-425, Rev. 2, Section 2.0, "Proposed Change." The fourth condition, "Frequencies that are related to specific conditions (e.g., battery degradation, age, and capacity) or conditions for the performance of a surveillance requirement (e.g., "drywell to suppression chamber differential pressure decrease"), does not appear in TSTF-425, Rev. 2, and is not consistent with the markups in TSTF-425, Rev. 2.

The TSTF's response to NRC's RAI #2 (Letter from TSTF to NRC dated January 17, 2008, "Response to NRC Request for Additional Information Regarding TSTF-425, Revision 1, 'Relocate Surveillance Frequencies to Licensee Control - RITSTF Initiative 5b,' dated October 2, 2007"), addressed this issue. It states, " The TSTF agrees that the specific conditions of battery degradation, age, and capacity are not within the scope of NEI 04-10. Surveillance 3.8.6.6 in NUREG-1430, -1431, -1432, -1433, and -1434 is revised to retain the conditions of battery degradation, age, and capacity, while relocating the Frequencies consistent with the NRC-approved Limerick lead plant submittal. The Limerick Surveillances, 4.8.2.1.e and 4.8.2.1.f, contain the same requirements as ISTS Surveillance 3.8.6.6. The 60 month Frequency is relocated to the Surveillance Frequency Control Program (SFCP). The 12 month and 24 month Frequencies associated with degraded batteries, or batteries exceeding 85 percent of their expected life based on available capacity are relocated to the SFCP, but the criteria related to battery degradation, age, and capacity are retained."

Therefore, based on this response and the NRC's approval of the Limerick LAR, the Surveillance Frequencies related to specific conditions are not excluded from the scope of TSTF-425, Rev. 2. The fourth condition should be deleted.

11. Section 1.0, "Introduction," (Federal Register page 74205, first column) states, "The TS Bases for each affected surveillance is revised to state that the frequency is set in accordance with the Surveillance Frequency Control Program. Various editorial changes may be made to the Bases as needed to facilitate the addition of the Bases changes. Some surveillance Bases do not contain a discussion of the frequency. In these cases, Bases describing the current frequency were added to maintain consistency with the Bases for similar surveillances. These instances are noted in the markup along with the source of the text. The proposed changes to the administrative controls of TS to incorporate the SFCP includes a specific reference to NEI 04-10, "Risk-Informed Technical Specifications Initiative 5B, Risk-Informed Method for Control of Surveillance Frequencies," Revision 1 (Rev. 1), (Reference 2) as the basis for making any changes to the surveillance frequencies once they are relocated out of TS."

As discussed in Comment 4, licensees are not required to revise the Bases to adopt TSTF-425 and any voluntary Bases changes should not be submitted with the amendment as they contain no information material to the NRC's review and can be made under the Technical Specifications Bases Control Program. In addition, Bases changes are not within the scope of the NRC's review under 10 CFR 50.90 because, as stated in 10 CFR 50.36(a), Bases are

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not part of the Technical Specifications. Therefore, the Bases changes should not be discussed in the NRC's Safety Evaluation.

12. Section 3.2, "The Proposed Change Maintains Sufficient Safety Margins," should be revised as follows: "The engineering evaluations that will be conducted by the licensee under the Surveillance Frequency Control Program when Frequencies are revised will assess the impact of the proposed Frequency change with the principle that sufficient safety margins are maintained. The guidelines used for making that assessment will include ensuring the proposed Surveillance test frequency change is not in conflict with approved industry codes and standards or adversely affects any assumptions or inputs to the safety analysis, or, if such inputs are affected, justification is provided to ensure sufficient safety margin will continue to exist." This section is referring to Surveillance Frequency changes that will be performed by the licensee under the SFCP after approval of the license amendment, not to any evaluations provided with the license amendment request.
13. Section 3.4.1, "Quality of the PRA," references NEI 00-02, "PRA Peer Review Process Guidance." While NEI 00-02 should continue to be referenced, NEI 05-04, Rev. 2, "Process for Performing Internal Events PRA Peer Reviews," should also be referenced.
14. Section 3.4.6, "Acceptance Guidelines," first paragraph, should be revised to clarify that the acceptance guidelines are in NEI 04-10, Rev. 1, so that it is not implied that the Safety Evaluation contains additional requirements. For example, the first sentence could be revised to state, "In accordance with NEI 04-10, Rev. 1, [LICENSEE] will quantitatively evaluate the change in total risk (including internal and external events contributions) in terms of core damage frequency (CDF) and large early release frequency (LERF) for both the individual risk impact of a proposed change in surveillance frequency and the cumulative impact from all individual changes to surveillance frequencies."
15. Section 6.0, "References," Item 2, should be revised as follows, "NEI 04-10, Rev. 1," for consistency with the rest of the document.