

TSTF

TECHNICAL SPECIFICATIONS TASK FORCE
A JOINT OWNERS GROUP ACTIVITY

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SUBJECT: Technical Specification Task Force (TSTF) Response to the October 9, 2009 Federal Register Notice, "Notice of Opportunity for Public Comment on the Proposed Model Safety Evaluation for Plant-Specific Adoption of Technical Specification Task Force Traveler-513, Revision 2, 'Revise PWR Operability Requirements and Actions for RCS Leakage Instrumentation',"
Docket ID NRC-2009-0444

Enclosed for NRC consideration are comments prepared by the Technical Specification Task Force (TSTF) on the subject October 9, 2009 Federal Register Notice on TSTF-513, Revision 2, "Revise PWR Operability Requirements and Actions for RCS Leakage Instrumentation."

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

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TSTF Response to the October 9, 2009 Federal Register Notice, "Notice of Opportunity for Public Comment on the Proposed Model Safety Evaluation for Plant-Specific Adoption of Technical Specification Task Force Traveler-513, Revision 2, 'Revise PWR Operability Requirements and Actions for RCS Leakage Instrumentation',"
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1. In multiple locations, the Notice refers to "Traveler-513" or "TSTF Traveler-513." The correct reference is "TSTF-513" or "Traveler TSTF-513." The numerical designation is hyphenated with the prefix "TSTF," not the document type "Traveler."
2. The word "Traveler" is misspelled in the subject line in the model application.
3. The cover letter for a license amendment request contains a general description of the proposed change. The second paragraph of the model application states, "[Discuss any differences with Traveler-513, Revision 2.]" The third paragraph of the model application states, "The proposed amendment contains a less restrictive TS change. The less restrictive change is justified because alternate RCS leakage monitoring methods are required to be performed when no required monitoring methods are Operable. Further detailed justification is contained in Attachment 1." In both cases, this level of detail is unnecessary for the license amendment request cover letter. We recommend that the bracketed sentence and the third paragraph be deleted.
4. The model application includes an Attachment 6, which provides the regulatory commitments. There are no regulatory commitments discussed in the model Safety Evaluation. References to Attachment 6 should be deleted.
5. Attachment 3 of the model application provides the existing TS Bases pages marked up to show the proposed change. Attachment 5 of the model application provides the proposed TS Bases changes in final typed format. The Bases revisions in TSTF-513 are material to the changes being proposed and are discussed in the model Safety Evaluation. Therefore, we agree that licensees should provide the Bases revisions, even though the Bases are controlled under the Technical Specification Bases Control Program and do not require NRC approval. However, licensees should not be required to provide "proposed TS Bases changes in final typed format." Requiring submittal of Bases changes in final typed format goes beyond the NRC's interest in the proposed Bases changes and is not relevant to the NRC Staff's finding in the Safety Evaluation. It imposes unnecessary burden on the licensee and implies that the NRC Staff is approving the final Bases, which are actually approved by the licensee under the licensee's Technical Specifications Bases Control Program. Attachment 5 should be deleted.
6. Section 1.0, "Description," of the model application, first paragraph, contains the sentence, "[Minor differences between the proposed plant-specific TS changes, and the changes proposed by Traveler-513 are listed in Section 2.0.]" We recommend that this sentence be deleted. The sentence is not optional (as indicated by the brackets) and adds no value. Section 2.0 describes all differences (minor or otherwise) or states that there are no differences.
7. Section 5.1 of the model application is titled "No Significant Hazards Determination." In order to be consistent with the terminology used in Regulatory Issue Summary 2001-22, "Attributes of a Proposed No Significant Hazards Consideration Determination," and

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industry practice, we recommend using the title, "No Significant Hazards Consideration Determination" (NSHCD) in the model application.

8. Section 5.1 of the model application, "No Significant Hazards Determination," (NSHD) [sic] contains two conflicting statements. It first states that the licensee has reviewed the NSHCD published in the Federal Register and concluded that it is applicable. It then states that the licensee has performed an NSHCD evaluation and requires that the licensee provide their analysis.

This is a significant departure from the Consolidated Line Item Improvement Process (CLIIP). (Note that TSTF-513 is proposed to be made available under the CLIIP.)

Regulatory Issue Summary 2000-06, "Consolidated Line Item Improvement Process for Adopting Standard Technical Specifications Changes for Power Reactors," states (emphasis added):

In an effort to make the NRC work processes more visible, the NRC staff will solicit stakeholder comments on the associated change to the STS, the staff's safety evaluation (SE), and the proposed no significant hazards consideration determination (PNSHCD) before finalizing its acceptance of a TSTF change. Following NRC acceptance of a TSTF change, licensees, as well as the NRC staff, will be able to use the relevant documentation from the NRC-accepted TSTF change in the preparation and processing of license amendment applications.

...

The licensees desiring to adopt a specific TSTF change using the CLIIP will need to verify that the proposed change is applicable to their facilities. The NRC announcement and the staff's SE will specify any plant-specific verification or other information required in licensees' applications. The licensees may apply for license amendments by citing the applicability of the PNSHCD and the SE for the accepted TSTF change and addressing any plant-specific information needed to support the staff's review.

...

Finally, with the licensee's adoption of the uniform description of the proposed change, the PNSHCD, and the SE for a TSTF change request, the CLIIP would provide more disciplined and consistent adoption of the STS by way of a streamlined amendment process.

Referencing the NSHCD published in the Federal Register has been used in the 35 model applications published by the NRC to date under the CLIIP.

Requiring each licensee to submit a NSHCD reduces public involvement in the CLIIP by rendering the NSHCD published in the Federal Register essentially irrelevant and

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undermines the "disciplined and consistent adoption" of the Traveler under a streamlined amendment process. The proposed model amendment also places the licensee in the position of either deviating from the model application or submitting an NRC developed NSHCD as if it were their own.

The TSTF has considered the legal requirements regarding the submittal of a NSHCD. 10 CFR 50.91, "Notice for public comment; State consultation," states, "(a) Notice for public comment. (1) At the time a licensee requests an amendment, it must provide to the Commission, in accordance with the distribution requirements specified in § 50.4, its analysis about the issue of no significant hazards consideration using the standards in § 50.92." There is no prohibition from referencing a NSHCD in a publically available source, such as the Federal Register. Licensees frequently reference other sources in their license amendment requests, such as NRC-approved Topical Reports, Regulatory Guides, and Codes and Standards. There is no basis for requiring that the NSHCD be repeated in the licensee's amendment request when doing so undermines the public involvement in the CLIIP.

The TSTF recommends that Section 5.1 be revised to reference the NSHCD published in the Federal Register, consistent with the process described in RIS 2000-06.

9. Section 6.0, "Environmental Consideration," contains two conflicting statements. It first states that the licensee has reviewed the environmental evaluation published in the Federal Register and concluded that it is applicable. It then restates the environmental consideration.

The environmental considerations section of the model application satisfies 10 CFR 51.22, "Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review." Paragraph 10 CFR 51.22(b) states, "Except in special circumstances, as determined by the Commission upon its own initiative or upon request of any interested person, an environmental assessment or an environmental impact statement is not required for any action within a category of actions included in the list of categorical exclusions set out in paragraph (c) of this section." The purpose of the "Environmental Consideration" section is to demonstrate that a categorical exclusion applies and an environmental review is not required. Referencing the Environmental Consideration section of the Federal Register Notice satisfies the requirement and increases public involvement in the determination through the CLIIP Notice for Comment.

The TSTF recommends that Section 6.0 be revised to reference the Environmental Consideration published in the Federal Register.