

TSTF

TECHNICAL SPECIFICATIONS TASK FORCE
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Chief, Rulemaking and Directives Branch (RDB)
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U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Technical Specification Task Force (TSTF) Response to the October 15, 2009 Federal Register Notice, "Notice of Opportunity for Public Comment on the Proposed Models for Plant-Specific Adoption of Technical Specification Task Force Traveler-508, Revision 1, 'Revise Control Room Habitability Actions To Address Lessons Learned From TSTF-448 Implementation',"
Docket ID NRC-2009-0455

Enclosed for NRC consideration are comments prepared by the Technical Specification Task Force (TSTF) on the subject October 15, 2009 Federal Register Notice on TSTF-508, Revision 1, "Revise Control Room Habitability Actions To Address Lessons Learned From TSTF-448 Implementation."

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

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Enclosure

cc: Robert Elliott, Technical Specifications Branch, NRC
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E-RTDS-ADM-03

SONSI Review Complete

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Technical Specification Task Force (TSTF) Response to the October 15, 2009 Federal Register Notice, "Notice of Opportunity for Public Comment on the Proposed Models for Plant-Specific Adoption of Technical Specification Task Force Traveler-508, Revision 1, 'Revise Control Room Habitability Actions To Address Lessons Learned From TSTF-448 Implementation',"
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1. In multiple locations, the Notice refers to "Traveler-508" or "TSTF Traveler-508," and "Traveler-448" or "TSTF Traveler-448." The correct reference is "TSTF-508" or "Traveler TSTF-508," and "TSTF-448" or "Traveler TSTF-448." The numerical designation is hyphenated with the prefix "TSTF," not the document type "Traveler."
2. The mailing address specified in the model application is not consistent with the address specified in 10 CFR 50.4. The regulations require submitting license amendments to ATTN: Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The model application should be revised.
3. The model application states, "The proposed changes would address inconsistencies in [PLANT NAME] TS due to the adoption of TSTF Traveler-448, Revision 3, TS changes." This is not an accurate description. The Technical Specifications adopted under TSTF-448 are consistent. TSTF-508 clarifies some wording and expands the applicability of the changes approved in TSTF-448. We recommend deleting the sentence.
4. In previous Notices, the NRC stated that use of plant-specific system names, Specification numbers and titles is acceptable. This Notice does not make such a statement. We recommend it be added.
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-508 are not material to the changes being proposed. Licensees may provide the Bases revisions for information to the NRC, even though the Bases are controlled under the Technical Specification Bases Control Program and do not require NRC approval. However, licensees should not be expected 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, states, "The proposed changes would revise Technical Specification ... to pursue TS improvements consistent with the justification in Technical Specification Task Force (TSTF) change Traveler-448, Revision 3, "Control Room Habitability," while addressing inconsistencies with TSTF-448." This is not correct. The proposed change would revise the Technical Specifications consistent with TSTF-508, not TSTF-448. TSTF-508 does not correct inconsistencies in TSTF-448. TSTF-508 clarifies and expands the changes approved in TSTF-448.
7. Section 2.0, "Proposed Changes," of the model application does not mention the addition of Notes (though they are appropriately mentioned in the proposed model Safety Evaluation). The Notes should be addressed in the list of proposed changes.

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8. The description of the proposed changes in Section 2.0 of the model application and Section 1.0, "Introduction," of the proposed model Safety Evaluation is confusing. The confusion results from describing changes applicable to Pressurized Water Reactors (PWRs) and Boiling Water Reactors (BWRs). We recommend creating separate change descriptions with Reviewer's Notes stating which description is applicable to PWRs and which to BWRs.
9. 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 industry practice, we recommend using the title, "No Significant Hazards Consideration Determination" (NSHCD) in the model application.
10. 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-508 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.

...

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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 CLIP 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 CLIP.

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

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.

11. 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

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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.

12. Section 6.0 of the model application is titled, "Environmental Evaluation," but Section 5.0 of the proposed model Safety Evaluation is titled, "Environmental Consideration." A consistent description of the section should be used.
13. The proposed model Safety Evaluation, Section 1.0, "Introduction," states, "The proposed changes would allow [PLANT NAME] to address inconsistencies in Technical Specification Task Force (TSTF) Improved Standard Technical Specification (STS) Change Traveler-448, Revision 3." This is not an accurate description. The Technical Specifications adopted under TSTF-448 are consistent. TSTF-508 clarifies some wording and expands the applicability of the changes approved in TSTF-448. We recommend deleting the sentence.
14. The proposed model Safety Evaluation, Section 3.0, "Technical Evaluation," states, "The NRC staff has found changes made by TSTF Traveler-508, Revision 1, to the STS, as amended by TSTF Traveler-448, Revision 3, to satisfy applicable regulatory requirements, as described above in Section 2.0." This is not an accurate description. TSTF-508 is not amended by TSTF-448, Revision 3. TSTF-508 clarifies and expands the changes approved in TSTF-448. We recommend deleting the phrase, "as amended by TSTF Traveler-448, Revision 3."
15. The proposed model Safety Evaluation, Section 3.4, contains a typographical error. Section 3.4 is titled, "3.4 S [5.5.18], 'Control Room Habitability Program'." It should be "3.4 TS [5.5.18]."
16. The Proposed Model No Significant Hazards Consideration Determination, in the section "Description of Amendment Request," states, "[Plant name] requests adoption of an approved change to the standard technical specifications (STS), as amended by Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler-448, Revision 3, ... and TSTF Traveler-508, Revision 1, ...". This description is misleading, as it appears that both TSTF-448 and TSTF-508 are being adopted. The following sentence in the paragraph more correctly describes the change. We recommend that the first sentence be deleted and the titles of TSTF-508 and TSTF-448 be added to the following sentence.
17. The Proposed Model No Significant Hazards Consideration Determination, in the section "Description of Amendment Request," states, "TSTF Traveler-508, Revision 1, revised the STS, as previously amended by TSTF Traveler-448, Revision 3, to address inconsistencies with TSTF Traveler-448, Revision 3." This is not an accurate description. The Technical Specifications adopted under TSTF-448 are consistent. TSTF-508 clarifies and expands the changes approved in TSTF-448. We recommend revising the sentence.

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18. The Proposed Model No Significant Hazards Consideration Determination, the discussion of Criterion 1, states, "the movement of irradiated fuel and operations with the potential to drain the reactor vessel may be resumed following confirmation that the CRE occupants will be protected in the event of a DBA. This ensures that the consequences of an accident previously evaluation are not significantly increased." The sentence should say, "be protected in an event" because an operation with the potential to drain the reactor vessel (OPDRV) is not a DBA. Also, "evaluation" should be changed to "evaluated."
19. The Proposed Model No Significant Hazards Consideration Determination, the discussion of Criterion 2, states, "No new or different accidents result from performing the new surveillance or following the new program." This sentence should be deleted. The proposed change does not introduce a new surveillance or a new program.