

NRC Staff Disposition of Comments to November 10, 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-493, Revision 4, 'Clarify Application of Setpoint Methodology for LSSS Functions'"

Comments received from Technical Specification Task Force (TSTF) by letter dated November 25, 2009 (ADAMS Accession Number ML093500358).

General Comments

1. In the Notice, the model application, and the proposed model Safety Evaluation [SE] there are statements such as, "includes the calculation basis for the Limiting Trip Setpoint (LTSP), Nominal Trip Setpoint (NTSP), Allowable Value (AV), As-Found Tolerance band, and As-Left Tolerance band for each change." This wording implies that there are two distinct values to be presented - an LTSP and an NTSP. As stated in Footnote 3 of the proposed model Safety Evaluation, "Throughout this SE and the proposed TS changes, the terms 'Limiting Trip Setpoint' and 'Nominal Trip Setpoint' and their abbreviations, 'LTSP' and 'NTSP' are shown in brackets (e.g., '[LTSP]'). In all cases, the term 'Limiting Trip Setpoint' may be replaced in the Technical Specifications and in the TS Bases by a term (e.g., NTSP) consistent with the plant-specific setpoint methodology." In some cases, the Notice correctly states, "[LTSP/NTSP]," but not in all cases. The Notice should be searched and it should be clear in all instances that only the LTSP or NTSP should be specified, not both.

Disposition: Agree to revise. The SE is revised to address LTSP, NTSP, AV, AS-Found Tolerance, and As-Left Tolerance consistent with NUREGs 1430, 1432, 1433 and 1434. Adaptation of the SE for NUREG-1431 is described in Footnote 3.

Comments on the Notice

2. The Notice states, "The Proposed Models for Plant-Specific Adoption of TSTF Traveler-493, Revision 4, are available electronically under ADAMS Accession Number ML093080028." For clarity, the sentence should be revised to state that the proposed model application, model Safety Evaluation, and proposed No Significant Hazards Consideration Determination are available electronically under ADAMS Accession Number ML093080028.

Disposition: Any similar language used in the Notice of Availability has been changed.

3. The Notice, in the section titled "Applicability," states, "The Traveler revises the TS instrument function values related to those variables that have a significant safety function." This sentence would only be applicable to plants adopting Option A with changes to setpoint values. In addition, as noted in comments below, the reference to "variables that have a significant safety function" is incorrect. We recommend the sentence be deleted.

Disposition: Any similar language used in the Notice of Availability has been changed.

4. The Notice, in two locations in the section entitled "Applicability," states "The licensee must propose to add footnotes to all the functions identified in TSTF Traveler-493, Revision 4, Appendix A, and must incorporate the related TS Bases changes." Similar statements are made in the proposed model Safety Evaluation. These statements are not correct. As stated on Page 10 of the justification of TSTF-493, "Each licensee proposing to adopt this Traveler must review the list of Functions in Attachment A to confirm that the identified functions are consistent with their plant specific design." These sentences should be revised to state that the licensee must propose footnotes to the *applicable* functions identified in TSTF Traveler-493, Revision 4, Appendix A.

Disposition: Any similar language used in the Notice of Availability has been changed.

5. The Notice, in the section titled, "Adoption of TSTF Traveler-493 with Option B - the Setpoint Control Program Option," states, "The licensee must provide the content and application of the plant-specific setpoint methodology required by the SCP TS 5.5.[18] Paragraph b. This includes the calculation basis for the LTSP, NTSP, AV, As-Found Tolerance band, and As-Left Tolerance band for each automatic protection instrumentation function." This section should be clarified to state that it is not necessary to describe the calculation basis for the current setpoint value. The current setpoint values were approved by the NRC. The Setpoint Control Program controls future changes to the subject setpoints."

Disposition: No changes made in response to the comment. The NRC staff reviews the calculation basis for setpoint values moved to the Option B Setpoint Control Program.

Comments on the Model Application

Disposition of comments on the Model Application given below take into consideration that the single model application has been reformatted to provide two separate Models Applications, one each Options for adopting TSTF-493, Revision 4,: Option A with and without Setpoint Changes; and Option B Setpoint Control Program.

6. 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.

Disposition: Agree to revise. The mailing address specified in each model application is revised to: ATTN: Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

7. The model application cover letter states, "[Discuss any differences with Traveler-493, Revision 4.] This level of detail is not included in a license amendment request cover letter. We recommend that the bracketed sentence be deleted.

Disposition: Agree to revise. Each model application cover letter is revised to delete the statement: "[Discuss any differences with Traveler-493, Revision 4.]"

8. The model application states that Attachment 4 (for Option A) or Attachment 7 (for Option B) contains a listing of the proposed regulatory commitments. The model application and model Safety Evaluation do not specify any regulatory commitments. Therefore, reference to these attachments should be deleted.

Disposition: Agree to revise. Each model application is revised to delete all references to "regulatory commitments."

9. Section 1.0, "Description," of Attachment 1 to the model application, third paragraph, contains the sentence, "[Minor differences between the proposed plant-specific TS changes, and the changes proposed by Traveler-493 are listed in Section 2.0.]" We recommend that this sentence be deleted. The sentence adds no value. Section 2.0 describes all

differences (minor or otherwise) or states that there are no differences. Note that the bracketed sentence appears in both the Option A and Option B paragraphs.

Disposition: Agree to revise. Section 1.0, "Description," of Attachment 1 of each model application is revised to delete "[Minor differences between the proposed plant-specific TS changes, and the changes proposed by Traveler-493 are listed in Section 2.0.]"

10. The model application, Attachment 1, "Evaluation of Proposed Change," Section 1.0, "Description," states, "The proposed amendment would revise the Technical Specifications (TS) by adding new test requirements to instrument Functions related to those variables that have a significant safety function, thereby ensuring instruments will function as required to initiate protective systems or actuate mitigating systems at the point assumed in the applicable safety analysis." This appears both under the Option A and Option B paragraphs. This statement is overly broad and does not describe the proposed changes in TSTF-493, Revision 4. It should be revised to state, "The proposed amendment would revise the Technical Specifications (TS) by applying additional testing requirements on the applicable instrument Functions listed in TSTF-493, Revision 4, Appendix A, in order to ensure the instruments will function as assumed in the applicable safety analysis."

Disposition: Agree to revise, with additional changes made by the NRC staff. Each model application is revised to contain the following paragraph:

The proposed amendment would revise the Technical Specifications (TS) by applying additional testing requirements to the applicable instrument Functions listed in TSTF-493, Revision 4, Appendix A. Appendix A contains Functions related to those variables that have a significant safety function as defined in 10 CFR 50 36(c)(1)(ii)(A), thereby ensuring instrumentation will function as required to initiate protective systems or actuate mitigating systems at the point assumed in the applicable safety analysis.

11. The model application, Attachment 1, "Evaluation of Proposed Change," Section 1.0, "Description," the fifth paragraph, states, "These TS changes are made by adoption of a Setpoint Control Program that contains the setpoint methodology and parameters used in the calculation and ...". The phrase "parameters used in the calculation" is not consistent with any of the proposed requirements in the Setpoint Control Program and should, therefore, be eliminated.

Disposition: Agree to revise. Each model application is revised to contain the following paragraph:

These TS changes are made by adoption of a Setpoint Control Program that contains the setpoint methodology and control of instrumentation setpoints in accordance with Option B of Technical Specifications Task Force (TSTF) Improved Standard Technical Specifications (STS) Change Traveler-493, Revision 4, "Clarify Application of Setpoint Methodology for LSSS Functions."

12. The proposed Model Safety Evaluation, Section 3.0, "Technical Evaluation," quotes Notes 1 and 2. The quote of Note 2 in Section 3.1.1 is correct only for NUREG-1431. The NUREG-1431 Note 2 states "(field setting)" after "Surveillance procedures." The other STS NUREGs have the term "(Nominal Trip Setpoint)" in lieu of "(field setting)." As a general comment,

whenever Note 2 is discussed in a general context for all five STS NUREGs, it should use bracketed terms such as [field setting or NTSP], or the discussion should include STS NUREG-specific annotations such as found in Sections 3.1.2 and 3.1.4 of the model Safety Evaluation.

Disposition: Agree to revise. Footnote 3 was revised to establish a consistent application of Note discussions for the different terminology used by STS NUREGs 1430, 1432, 1433, 1434 vice NUREG 1431. Each model application is revised to contain the following paragraph:

{REVIEWERS NOTE: Throughout this SE the term "Limiting Trip Setpoint (LTSP)" refers to the calculated limiting setpoint setting based on vendor-specific setpoint methodologies for NUREGs-1430, 1432, 1433, and 1434 plants. This SE is written for plants using "LTSP." For NUREG-1431 plants the calculated limiting setpoint setting based on vendor-specific methodology is "Nominal Trip Setpoint (NTSP)." Using this convention, an SE for NUREG-1431 plants would replace "LTSP" with "NTSP" and would replace "NTSP" with "field setting." For plants using other terminology the terms in this SE may be replaced with like terms consistent with the plant-specific setpoint methodology and conforming changes should be made to Technical Specifications and TS Bases.}

13. 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 to the end of Attachment 1, Section 2.0, "Proposed Change," of the model application.

Disposition: Agree to revise. Each model application is revised to contain the following sentence:

Plant-specific system names, specification numbering and titles are not considered to be differences with TSTF Traveler-493 or the NRC staff's model safety evaluation]

14. Section 5.1 of Attachment 1 to the proposed 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.

Disposition: Agree to revise. The title of Section 5.1 in Attachment 1, Evaluation of Proposed Change, of each model application becomes:

"NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION"

15. Section 5.1 of Attachment 1 to the proposed 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.

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 CLIP 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 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.

We acknowledge that the NRC has chosen to apply the term "CLIP" to only those TSTF Travelers that may be adopted by a license amendment request reviewed by only the NRC Technical Specification Branch. However, the process described in RIS 2000-06 is applied to all TSTF Travelers approved by the NRC, including TSTF-493.

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.

Disposition: The following reference to the NSHCD was deleted from each model application:

[LICENSEE] has reviewed the no significant hazards determination published on [DATE] ([] FR []) as part of the Notice of Availability. [LICENSEE] and has concluded that the determination presented in the notice is applicable to [PLANT, UNIT NO.].

Each model application replaced the NSHCD published in the Federal Register with the a generic NSHCD analysis as a model for adoption by licensees.

[LICENSEE] has evaluated the proposed changes to the TS using the criteria in 10 CFR 50.92 and has determined that the proposed changes do not involve a significant hazards consideration. An analysis of the issue of no significant hazards consideration determination is presented below:

16. Attachment 1, 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 CLIP Notice for Comment.

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

Disposition: The following reference to the Environmental Consideration section of the Federal Register Notice was deleted from each model application and the Environmental Consideration analysis was retained in the model application for adoption by licensees.

[LICENSEE] has reviewed the environmental evaluation included in the model safety evaluation published on [DATE] ([] FR []) as part of the Notice of Availability. [LICENSEE] has concluded that the NRC staff's findings presented in that evaluation are applicable to [PLANT, NO.].

Comments on the Proposed No Significant Hazards Determination

17. The proposed Model No Significant Hazards Consideration Determination (NSHCD), Question 1 response for Option B, states, "The proposed change also allows the relocation of the plant-specific setpoints to licensee control provided the NRC has approved the methodology used to calculate the setpoints and that future changes to the setpoints are controlled under a TS Setpoint Control Program (SCP)." This sentence incorrectly implies that the NRC must have approved the methodology used to calculate the current setpoints as a condition of their relocation. It should be revised to state, "The proposed change also allows the relocation of the plant-specific setpoints to licensee control provided the NRC has approved the methodology used to calculate **future changes** to the setpoints and that future changes to the setpoints are controlled under a TS Setpoint Control Program (SCP).

Disposition: Agree to revise. Option B TS 5.5.[18].b requires the Functions described in paragraph 5.5.[18].a to be calculated using the NRC approved setpoint methodology, as listed [in the Setpoint Control Program]. This would apply to future changes as noted by the commenter. The commenter concern that the sentence incorrectly implies that the NRC must have approved the methodology used to calculate the current setpoints as a condition of their relocation is valid and is addressed by changing the sentence as shown below. However, the distinction being made is that NRC requires licensees to define setpoint methodologies for instrument Function values being changed and moved out of TS into the SCP as well as the methodology that will be applied for future changes to the setpoints.

The proposed change also allows the relocation of the plant-specific setpoints to licensee control provided the NRC has approved (1) the methodology used to calculate the values of any setpoints that are changing, and (2) the methodology used to calculate future changes to the setpoints and that future changes to setpoints are controlled under a TS SCP.

Comments on the Proposed Model Safety Evaluation

18. The proposed model Safety Evaluation contains multiple instances of the phrase, "a document controlled under 10 CFR 50.59." The TSTF and the NRC agreed to replace this phrase with a phrase similar to "a document incorporated by reference into the facility UFSAR." The model Safety Evaluation should be searched and the appropriate phrase used.

Disposition: Agree to revise. Each model evaluation is revised to replace the phrase "a document controlled under 10 CFR 50.59." with "a document incorporated by reference into the facility UFSAR."

19. Section 1.0, "Introduction," of the proposed model Safety Evaluation, states, "The proposed changes would revise the TSs with respect to limiting safety system settings (LSSSs) assessed during periodic testing and calibration of instrumentation that may have an adverse effect on equipment operability." This statement and statements similar to it appear throughout the proposed model Safety Evaluation. These statements are incorrect.

TSTF-493 proposes to add footnotes or requirements in an Administrative Controls program with respect to periodic testing and calibration of instrumentation associated with the Functions listed in Appendix A of TSTF-493. TSTF-493 does not state, and the TSTF does not agree, that all of the Functions in Appendix A are limiting safety system settings. As stated in the TSTF's February 23, 2009 letter to the NRC, "Industry Plan to Resolve TSTF-493, 'Clarify Application of Setpoint Methodology for LSSS Functions'," "The industry

agreement to annotate these functions with the TSTF-493 footnotes does not represent industry acceptance of the NRC's definition of SL-LSSS in Reference 2 or agreement that the functions to be annotated are LSSS, that the functions protect a Safety Limit, or that the functions meet a 10 CFR 50.36(c)(2) criteria."

The NRC's safety evaluation for a license amendment cannot be based on arguments that were not presented by the applicant. All references to "limiting safety system settings" and phrases such as "variables that have a significant safety function", which are based on the 10 CFR 50.36 definition of limiting safety system settings, must be removed and replaced with a reference to the functions in listed in TSTF-493, Revision 4, Attachment A.

Disposition: Agree to revise. Each model safety evaluation is revised to clarify the scope of instrumentation Functions that apply to TSTF-493 Notes as follows:

The proposed changes would revise the TSs with respect to issues regarding instrument settings assessed during periodic testing and calibration of instrumentation associated with the Functions listed in TSTF-493, Revision 4, Appendix A, that may have an adverse effect on equipment operability.

20. Section 1.0, "Introduction," of the proposed model Safety Evaluation, states, "Additionally, as part of the review process it was determined that TSTF Traveler-411 had not been correctly implemented in NUREG-1431. Corrections have been made to TS 3.3.6, Containment Purge and Exhaust Isolation Instrumentation, Table 3.3.6-1 and TS 3.3.7, Control Room Emergency Filtration System (CREFS) Actuation Instrumentation, Table 3.3.7-1." The proposed model Safety Evaluation is for plant-specific adoption of TSTF-493. These sentences should be bracketed, to indicate that they are plant-specific, and revised to state "not been correctly implemented in NUREG-1431 and [PLANT]'s Technical Specifications."

Disposition: Each of the model safety evaluations is revised to delete Section 3.3, Technical Evaluation of Changes Related to TSTF-411.

21. Section 1.0, "Introduction," of the proposed model Safety Evaluation, states, "The new program, entitled the Setpoint Control Program (SCP or the program), references an NRC-approved methodology for determining and verifying instrument setpoints and ...". The Setpoint Control Program is structured to allow more than one setpoint methodology to be referenced. We recommend that the sentence be revised to state, "... references an NRC-approved methodology *or methodologies* for determining ...". This is correctly stated in the second paragraph of the cover letter of the model application, but is incorrectly stated as singular in many other locations throughout the Notice.

Disposition: Agree to revise. The model safety evaluation for Option B is revised to clarify that more than one setpoint methodology may apply by including the following language in the introduction:

The new program, entitled the Setpoint Control Program (SCP or the program), references an NRC-approved methodology(ies) for calculating and verifying instrument setpoints and includes requirements that serve the same purpose as the Notes added to SRs under Option A of TSTF Traveler-493, Revision 4.

22. The proposed model Safety Evaluation, Section 1.0, "Introduction," states "The new program, entitled the Setpoint Control Program (SCP or the program), references an NRC-approved methodology for determining and verifying instrument setpoints and includes requirements that serve the same purpose as the Notes added to SRs under Option A of TSTF Traveler-493, Revision 4." It is unclear what is meant by "determining" in the phrase "references an NRC-approved methodology for determining and verifying instrument setpoints...". The Notes in Option A are not related to determining setpoints. We recommend that the phrase "determining and" be deleted from the sentence.

Disposition: Agree to revise. The Option B safety evaluation Section 1.0 discussion regarding the NRC-approved methodology is clarified by replacing "determining" with "calculating." The revised sentence states the following:

The new program, entitled the Setpoint Control Program (SCP or the program), references an NRC-approved methodology(ies) for calculating and verifying instrument setpoints.

23. The proposed model Safety Evaluation, Section 1.0, "Introduction," in the discussion of Note 1 states, "The purpose of the assessment is to ensure confidence in the channel performance prior to returning the channel to service. The performance of these channels will be evaluated under the plant Corrective Action Program (CAP). Entry into the CAP will ensure required review and documentation of the condition to establish a reasonable expectation for continued operability." In Section 1.1 of the proposed model Safety Evaluation, it states, "To address Concept 7, the revised TS Bases state that when a channel's As-Found value is outside the As-Found Tolerance band, the potentially degraded instrument must be entered into the licensee's CAP. The CAP evaluation is expected to be performed promptly to validate the determination that was performed prior to returning the channel to service and to confirm that the channel is operable and performing as expected." These statements could be misinterpreted to mean that the CAP evaluation must be completed prior to returning the channel to service. We recommend the Section 1.0 paragraph be revised to state, "The purpose of the assessment is to ensure confidence in the channel performance prior to returning the channel to service. *In addition*, the performance of these channels will be evaluated under the plant Corrective Action Program (CAP). Entry into the CAP will ensure required review and documentation of the condition to establish a reasonable expectation for continued operability." We recommend that the Section 1.1 paragraph be revised to state, "To address Concept 7, the revised TS Bases state that when a channel's As-Found value is outside the As-Found Tolerance band, *channel Operability must be evaluated prior to returning the channel to service. In addition*, the potentially degraded instrument must be entered into the licensee's CAP. The CAP evaluation is expected to be performed promptly to validate the determination that was performed prior to returning the channel to service and to confirm that the channel is operable and performing as expected."

Disposition: Agree to revise with some NRC staff clarification. Concept 7 was deleted from Section 1.1 in disposition of another comment. For each model safety evaluation the discussion of the first Surveillance Note was changed as follows in response to the comment:

The purpose of the assessment is to ensure confidence in the channel performance prior to returning the channel to service. **For channels determined to be OPERABLE but degraded, after returning the channel to service the channels will**

be evaluated under the plant Corrective Action Program (CAP). Entry into the CAP will ensure required review and documentation of the condition to establish a reasonable expectation for continued operability.

24. The TSTF recommends that Section 1.1 of the proposed model Safety Evaluation, entitled, "Development of TSTF-493, Revision 4," be substantially revised. The section is confusing because many of the discussions and issues discussed were superseded by the industry approach described in the February 23, 2009 letter. The discussion of the historical development of TSTF-493 is only applicable to the wording of the Option A footnotes or the equivalent requirements in the Option B Setpoint Control Program. Section 1.1 should be revised to discuss only the seven concepts and how those concepts were expressed in the Option A footnotes and the Option B Setpoint Control Program. The discussion of RIS 2006-17 should be eliminated. While the NRC staff may be satisfied that TSTF-493, Revision 4, satisfies the position in RIS 2006-17, it is not the technical basis for TSTF-493, Revision 4, and the TSTF does not agree that all of RIS 2006-17 is applicable to TSTF-493.

Disposition: Each model safety evaluation was revised to delete Section 1.1 in its entirety.

25. The proposed model Safety Evaluation, Section 2.0, "Regulatory Evaluation," states, "Plant protective systems are designed to initiate reactor trips (scrams) or other protective actions before selected unit parameters exceed ALs assumed in the safety analysis in order to prevent violation of the Reactor Core SLs and RCS Pressure SL from postulated Anticipated Operational Occurrences (AOOs) and accidents." This statement is incorrect. Safety Limits are not protected during accidents, only during AOOs. The phrase "and accidents" should be deleted from the sentence.

Disposition: Plant protective systems are required to respond to accidents and AOOs, therefore; each model safety evaluation is revised by clarifying that "protective systems" assist the ESF system in mitigating accidents.

26. Section 3.1.2, "Technical Bases," of the proposed model Safety Evaluation states, "Setpoint calculations calculate a [LTSP/NTSP] based on the AL of the Safety Analysis to ensure that trips or protective actions will occur prior to the process parameter exceeding the SL as required by the Safety Analysis calculations." This is an incorrect statement. Safety Limits may be exceeded in safety analysis calculations for design basis accidents. The sentence should be revised to state, "Setpoint calculations calculate a [LTSP/NTSP] based on the AL of the Safety Analysis to ensure that trips or protective actions will occur prior to *exceeding* the process parameter *value assumed in the* Safety Analysis calculations."

Disposition: Agree to revise. Each safety evaluation is revised to clarify how the LTSP protects the assumptions of the safety analysis calculation. The revised language is:

Setpoint calculations calculate a LTSP based on the AL of the Safety Analysis to ensure that trips or protective actions will occur prior to exceeding the process parameter value assumed by the Safety Analysis calculations.

27. Section 3.2, "Technical Evaluation for Option A Without Changes to Setpoint Values," Section 3.2.1, "Addition of Footnote to TS Tables," of the proposed model Safety Evaluation states, "Furthermore, the licensee stated that if during calibration testing the setpoint is found to be conservative with respect to the LSSS but outside its predefined calibration

tolerance, then the channel shall be brought back to within its predefined calibration tolerance before returning the channel to service." This is incorrect. The sentence should be revised to state, "Furthermore, the licensee stated that if during calibration testing the setpoint is found to be conservative with respect to the LSSS but outside its predefined As-Found Tolerance band, then the channel shall be brought back to within its predefined calibration tolerance before returning the channel to service." The text in this section should match that in Section 3.2, "Technical Evaluation for Option A with Changes to Setpoint Values," Section 3.2.2, "Addition of Footnotes to TS Tables." The latter should also contain the following two sentences from the former: "The calibration tolerances are specified in the TRM or a document incorporated by reference in the UFSAR. Changes to the values will be controlled by 10 CFR 50.59."

Disposition: Agree to revise. The Option A (without setpoint changes) safety evaluation is revised to replace "LSSS" with "Allowable Value (AV)," and two sentences are added to reference location of the required methodology values that are stated in Surveillance Note 2. The revised sentences are as follows:

Furthermore, the licensee stated that if during calibration testing the setpoint is found to be conservative with respect to the AV but outside its predefined calibration tolerance, then the channel shall be brought back to within its predefined calibration tolerance before returning the channel to service. The calibration tolerances are specified in [the TRM][a document incorporated by reference in the FSAR]. Changes to the values will be controlled by 10 CFR 50.59.

28. Section 3.2, "Option B Technical Evaluation of TS Changes Using the Setpoint Control Program," Section 3.2.1, "Setpoint Control Program TS 5.5.[18]," of the proposed model Safety Evaluation contains a typographical error. The reference to 10 CFR 50.369 should state 10 CFR 50.36.

Disposition: Agree to correct the citation of 10 CFR 50.36 in each of the model safety evaluations.

Comments on Attachment A of the Proposed Model Safety Evaluation

Disposition of comments on Attachment A of the Proposed Model Safety Evaluation (SE) given below take into consideration that Attachment A becomes Attachment 2 of the Model Application for Option A and the single model SE has been reformatted to provide two separate models, one each for adopting TSTF-493, Revision 4.: Option A with No Setpoint Changes and one for Option A with Setpoint Changes.

29. Attachment A of the proposed model Safety Evaluation is titled, "TS Instrumentation Functions LSSS." This title is incorrect and should be revised to eliminate the acronym "LSSS." TSTF-493 does not state, and the TSTF does not agree, that all of the Functions in Appendix A are limiting safety system settings. As stated in the TSTF's February 23, 2009 letter to the NRC, "Industry Plan to Resolve TSTF-493, 'Clarify Application of Setpoint Methodology for LSSS Functions'," "The industry agreement to annotate these functions with the TSTF-493 footnotes does not represent industry acceptance of the NRC's definition of SL-LSSS in Reference 2 or agreement that the functions to be annotated are LSSS, that the functions protect a Safety Limit, or that the functions meet a 10 CFR 50.36(c)(2) criteria."

Disposition: Agree to revise each Option A model application Attachment 2 to be consistent with plant-specific evaluations to adopt TSTF-493, Revision 4. The new title for this attachment is; "Identification Of Functions To Be Annotated With Surveillance Notes For Application Of TSTF-493, Revision 4, "Clarify Application Of Setpoint Methodology For LSSS Functions"

30. Attachment A, "TS Instrumentation Functions LSSS," of the proposed model Safety Evaluation incorrectly describes the list of functions to which the Option A footnotes will be applied as LSSS functions. TSTF-493 does not state, and the TSTF does not agree, that all of the Functions in Appendix A are limiting safety system settings. As stated in the TSTF's February 23, 2009 letter to the NRC, "Industry Plan to Resolve TSTF-493, 'Clarify Application of Setpoint Methodology for LSSS Functions'," "The industry agreement to annotate these functions with the TSTF-493 footnotes does not represent industry acceptance of the NRC's definition of SL-LSSS in Reference 2 or agreement that the functions to be annotated are LSSS, that the functions protect a Safety Limit, or that the functions meet a 10 CFR 50.36(c)(2) criteria."

Disposition: Agree, revised the discussion in each Option A model application Attachment 2 to not state TSTF-493 does not state that all of the Functions in Appendix A are limiting safety system settings.

31. Attachment A, "TS Instrumentation Functions LSSS," of the proposed model Safety Evaluation states, "Therefore, NRC staff concludes that all the functions identified in TS 3.3.1 and TS 3.3.2 meet the requirements of 10 CFR 50.36(c)(1)(ii)(A)." It is not clear to which STS NUREG the statement is referring, but regardless the statement should be deleted. TSTF-493, Revision 4, provided no evaluation of whether the functions in TS 3.3.1 and 3.3.2 meet the requirements of 10 CFR 50.36(c)(1)(ii)(A) and such a conclusion is not related to TSTF-493, Revision 4.

Disposition: Agree, revised the discussion in each Option A model application Attachment 2 to cite 10 CFR 50.36.

32. Attachment A, "TS Instrumentation Functions LSSS," of the proposed model Safety Evaluation states, "...except for the functions which met the three exclusion criteria discussed above. The NRC staff finds these exceptions acceptable because these instrument functions do not have components required to meet As-Left and As-Found acceptance bands; values necessary to make the determination during testing whether the instrument is operable or needs to be replaced." The statement includes the unsupported conclusion that the functions being excepted cannot be repaired, only replaced. We recommend deleting the ending of the sentence following the semicolon.

Disposition: The sentence described in this comment was deleted from the discussion in each Option A model application Attachment 2.

33. Attachment A, "TS Instrumentation Functions LSSS," of the proposed model Safety Evaluation provides a list of functions for each ISTS NUREG. For those unfamiliar with the list of functions, the numbering may be confusing. We recommend adding the following sentence prior to the list of NUREG-1430 functions, "The function numbers listed below are from the corresponding ISTS NUREG."

Disposition: In response to this comment the list of instrumentation functions discussion in each Option A model application Attachment 2 are referred to by Standard Technical Specification NUREG number, title and the instrument Functions are listed according to the Technical Specification Table they are listed in. Therefore, the commenter's concerns have been addressed albeit using an alternate approach.

34. To improve usability of Attachment A, "TS Instrumentation Functions LSSS," of the proposed model Safety Evaluation, we recommend that the Notes "(Permissive or interlock excluded from footnote)" be expanded to include "it if derives input from a sensor or adjustable device that is tested as part of another TS function."

Disposition: Agree to revise. Each Option A model application Attachment 2 reference to a permissive or interlock states "excluded from surveillance Notes if it derives input from a sensor or adjustable device that is tested as part of another TS function."

35. In Attachment A of the proposed model Safety Evaluation, "TS Instrumentation Functions LSSS," under the list of Functions to be annotated in NUREG-1431, Specification 3.3.2, "Engineered Safety Feature Actuation System Instrumentation," delete Function 3, "a. Phase A Isolation," and Function 5, "c. Safety Injection (Automatic actuation logic circuit excluded from footnotes)." They are listed under the excluded functions.

Disposition: Agree to revise. Each Option A model application Attachment 2 was revised to list NUREG-1431, Specification 3.3.2, "Engineered Safety Feature Actuation System Instrumentation," Function 3, "a. Phase A Isolation," and Function 5, "c. Safety Injection (Automatic actuation logic circuit excluded from footnotes)" as instrument Functions requiring footnotes.

36. There is a typographical error in Attachment A of the proposed model Safety Evaluation, "TS Instrumentation Functions LSSS," under the list of Functions Excluded from Notes in NUREG-1431, Specification 3.3.2, "Engineered Safety Feature Actuation System Instrumentation," Function 4.g. There is an extraneous "t" between "excluded" and "from".

Disposition: Agree to revise. Each Option A model application Attachment 2 is revised to correct the typographical error.

37. In Attachment A of the proposed model Safety Evaluation, "TS Instrumentation Functions LSSS," under the list of Functions to be annotated in NUREG-1432, Specification 3.3.5, ""Engineered Safety Features Actuation System Instrumentation (Digital)," delete Function 2, "b. Automatic SIAS." The function is listed under the excluded functions.

Disposition: Agree to revise. Each Option A model application Attachment 2 is revised to correct the error.

38. In Attachment A of the proposed model Safety Evaluation, "TS Instrumentation Functions LSSS," under the list of Functions to be annotated in NUREG-1433, Specification 3.3.5.1, "Emergency Core Cooling System Instrumentation," delete Function 2, "f. Low Pressure Coolant Injection Pump Start - Time Delay Relay." The function is listed under the excluded functions.

Disposition: Agree to revise. Each Option A model application Attachment 2 is revised to correct the error.

DRAFT

Comments received from Tennessee Valley Authority (TVA) by letter dated November 20, 2009 (ADAMS Accession Number ML093430230).

Comments on the Notice

1. Page 3, Applicability (2nd sentence)

Statement: "The Traveler revises the TS instrument function values related to those variables that have a significant safety function."

Implementation of the TSTF does not necessarily require changes in "values" as stated above. In some situations, implementation may only require the addition of notes and basis changes. This sentence should be reworded to cover all options.

A new term, "significant safety function," is introduced, but is not defined in 10 CFR 50.36. "Significant safety function" needs to be defined because it is used to select the functions listed in Attachment A of the TSTF.

Disposition: Statement deleted. This comment is similar to Comment #3 from the TSTF.

2. Page 4 Adoption of TSTF Traveler-493, Option A with Changes to Setpoint Values (2nd bullet)

Statement: "If multiple similar setpoints are proposed to be revised, a summary calculation for each type of setpoint being changed may be provided." The meaning of different types of setpoints is unclear. This may have been intended to mean different applications or different methodologies. Clarify what is meant by "type."

Disposition: Did not revise statement. The term "type" refers to the group/subset of multiple similar setpoints that are being proposed to be revised. The Notice terminology is consistent with the terms used in the incoming TSTF Traveler, which allows licensees to define the types of calculations submitted for review.

Comments on the Model SE

3. Page 20 (last paragraph)

The wording in this paragraph is not consistent with the initial Industry Concept 7 on Page 27 concerning a setpoint found outside of the As Found condition and also not consistent with the wording provided on Page 37, bullet 3. In addition, the description of the evaluation of channel performance is not consistent with the process used at the Tennessee Valley Authority (TVA). TVA performs the evaluation of channel performance as reflected on Page 37, bullet 3. It is recommended that the wording from Page 37, bullet 3, be used here. Further evaluation is performed as reflected in the comments below regarding Page 28 (second paragraph).

Disposition: This paragraph was revised to clarify that after returning the channel to service the channels will be evaluated under the plant Corrective Action Program (CAP).

4. Page 22 (second paragraph)

Delete the reference to TSTF-411 and any changes associated with TSTF-411. The reference, as given, implies corrections to NUREG-1431, Sections TS 3.3.6 and 3.3.7, although no changes have been made to these sections in Attachment A.

Disposition: Each of the model safety evaluations is revised to delete Section 3.3, Technical Evaluation of Changes Related to TSTF-411.

5. Page 28 (second paragraph) (Also see comment for Page 20, above)
Statement: "The CAP evaluation is expected to be performed promptly to validate the determination that was performed prior to returning the channel to service and to confirm that the channel is operable and performing as expected."

The statement (above) needs to be revised to agree with the wording provided in the first paragraph on Page 38. Reason: The requirement to address Concept 7 as worded on Page 28 and as restated above is inconsistent with previous sections of the document and contrary to the Industry's position on Concept 7. The engineering evaluation, performed in accordance with the Corrective Action Program (CAP) to validate the immediate operability determination, is a longer term activity. The immediate operability determination, performed by operations (with input from maintenance) in accordance with CAP is based on the concepts described in the first paragraph on Page 38.

Disposition: Each of the Option A model safety evaluations is revised to delete Section 1.1, Development of TSTF Traveler-493, Revision 4, thus reference to industry Concept 7 no longer exists. However, the NRC staff notes that the Concept 7 discussion on Page 28 is an excerpt from an industry produced document and is historical in nature. In response to the comment, the discussion referenced to Page 20 has been clarified to indicate that the CAP process is after the channel has been returned to service.

6. Page 43, Section 3.2.1(1st paragraph., 3rd sentence)
Statement: "Furthermore, the licensee stated that if during calibration testing the setpoint is found to be conservative with respect to the limiting safety system settings (LSSS) but outside its predefined calibration tolerance, then the channel shall be brought back to within its predefined calibration tolerance before returning the channel to service."

"LSSS" should be replaced with "Allowable Value (AV)."

Disposition: Agree to revise. This comment is similar to Comment #27 from the TSTF. The Option A (without setpoint changes) safety evaluation is revised to replace "LSSS" with "Allowable Value (AV)." The revised sentences are as follows:

Furthermore, the licensee stated that if during calibration testing the setpoint is found to be conservative with respect to the AV but outside its predefined calibration tolerance, then the channel shall be brought back to within its predefined calibration tolerance before returning the channel to service.

Comments on the Attachment to the Model SE

7. Page 52 (last sentence)
The term "or needs to be replaced" is inappropriate and should be deleted. The licensee should determine what is required to correct the out of tolerance condition and it might not always include instrument replacement.

Disposition: Agree to revise. This comment is similar to Comment #32 from the TSTF. The sentence described in this comment was deleted from the discussion in each Option A model application Attachment 2.

8. Page 56

5. Turbine Trip and Feedwater Isolation, Item c. Safety Injection (Automatic actuation logic circuit excluded from footnotes) is logic and therefore should be exempt.

Resolution: Agree to revise. This comment is similar to Comment #35 from the TSTF. Each Option A model application Attachment 2 was revised to list NUREG-1431, Specification 3.3.2, "Engineered Safety Feature Actuation System Instrumentation," Function 3, "a. Phase A Isolation," and Function 5, "c. Safety Injection (Automatic actuation logic circuit excluded from footnotes)" as instrument Functions requiring footnotes.

DRAFT