

NRC Staff Disposition of Comments to August 20, 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-501, Revision 1”

Comments received from Technical Specification Task Force (TSTF) by letter dated October 19, 2009 (ADAMS Accession Number ML101030152).

Comment 1:

In multiple locations in the model application and model Safety Evaluation, reference is made to a [7]-day supply of fuel oil and lubricating oil for "each" DG. The plant-specific current licensing basis requirement for fuel and lubricating oil volume is to be substituted for the bracketed [7]-day value. In the model application, an NRC Reviewer's Note states, "Applications will need to be processed under normal amendment review controls, including technical branch review, if:

- There are proposed changes to stored diesel fuel oil and lube oil current plant configuration, current numerical volume requirements, or current time period associated basis.
- There are proposed changes to SR Frequency, Required Actions, or Completion Times associated with stored diesel fuel oil and lube oil.
- There are proposed changes to the current ASTM D975 reference.
- The current licensing basis does not require that a [7]-day supply of stored diesel fuel oil and lube oil be available for "each" diesel generator.
- The licensee's amendment request proposes changes that are different from the approved CLIP and are more than administrative in nature."

The TSTF agrees with the first, second, third, and fifth bullets in the reviewer's note. TSTF-501 is not intended to be a technical change. As stated in Section 4.0, "Technical Analysis," of TSTF-501, "The proposed change does not alter the licensing basis of the plant, but only revises the presentation of the licensing basis assumption." The proposed conditions are appropriate for processing plant-specific license amendments to adopt this change under the Consolidated Line Item Improvement Process (CLIP). However, the TSTF does not agree with the fourth bullet, which states, "The current licensing basis does not require that a [7]-day supply of stored diesel fuel oil and lube oil be available for 'each' diesel generator." An industry survey indicates that the NRC-approved design and licensing basis for at least one-third of the plants requires a [7]-day supply for one diesel generator, not each diesel generator. This condition would eliminate the ability to adopt TSTF-501 under the CLIP for a significant fraction of licensees. The change to TSTF-501 is not dependent on the amount of fuel or lubricating oil or whether that volume is related to one or more diesel generators. As stated in the model Safety Evaluation, "the licensee is merely swapping the current numerical volume requirements from the TS to the TS Bases and swapping the associated current [7]-day basis from the TS Bases to the TS." Furthermore, the Reviewer's Note states that a technical branch review is required of the plant's current licensing basis requirement. As those requirements are not affected by this change, it is unclear what such a technical review would accomplish.

The TSTF recommends that the fourth bullet be removed from the Reviewer's Note and that all references to "each" diesel generator be replaced with "[each / a]" diesel generator. A Reviewer's Note should be added to the Notice that "each" or "a" should be used as needed to

reflect whether the plant's current licensing basis fuel oil and lubricating oil requirement applies to "each" diesel generator or "a" diesel generator.

Resolution: The recommendation was not accepted and will not be incorporated into the model application. The model safety evaluation reflects the plant configuration in the Standard Technical Specifications and Bases. Licensees can explain in their applications the differences between their current licensing basis and the configuration reflected in the model application and safety evaluation.

Comment 2:

The TSTF recommends that an NRC Reviewer's Note be added to the model Safety Evaluation and a Note be added to the model application explaining that the bracketed 7-day and 6-day values used throughout the Safety Evaluation and the model application should be replaced with the plant's current licensing basis fuel oil storage requirement.

Resolution: The recommendation was accepted and incorporated into the model application. In addition, clarifying information regarding ranges of fuel/lubrication oil values was added.

Comment 3:

The model application states, "The TSTF responses to NRC RAIs dated December 13, 2007, and May 5, 2008, are applicable to [Plant Name, Unit No.]." The TSTF submitted Revision 1 of TSTF-501 at the NRC's request to incorporate information from the RAI responses into the TSTF-501 proposed Bases. The NRC also captured the relevant information from the RAI responses in the model Safety Evaluation. In Section 4 of the model application, the licensee is required to confirm that the model Safety Evaluation is applicable. Therefore, we do not believe it is necessary or beneficial to require licensees to retrieve and review the RAI responses and confirm under oath and affirmation that the responses are applicable to their plant. This would be inconsistent with the treatment of Topical Reports and plant-specific licensing actions, in which the revised document and the NRC's Safety Evaluation constitute the final NRC action. We recommend that the sentence be deleted as well as corresponding References 3 and 4.

Resolution: The recommendation was accepted and incorporated into the model application.

Comment 4:

The model application requires the licensee to submit to the NRC a copy of the No Significant Hazards Consideration (NSHC) published in the *Federal Register*. This is inconsistent with previous model applications published under the CLIP which referenced the published NSHC. Requiring each licensee to resubmit the NSHC, without alteration, has no benefit to the licensee or the NRC. It is also inconsistent with the treatment of the Environmental Consideration in the model application. We recommend that the model application be revised to reference the NSHC published in the *Federal Register*.

Resolution: This recommendation was not accepted and will not be incorporated. 10 CFR 50.91 requires, in part, that at the time a licensee requests an amendment, it must *provide* [emphasis added] to the Commission its analysis about the issue of no significant hazards consideration.