

**NRC Staff Disposition of Comments to September 15, 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-446, Revision 3,
‘Risk Informed Evaluation of Extensions to Containment Isolation Valve
Completion Times (WCAP-15791)’”**

All comment submittals can be found by searching on docket ID NRC-2009-0403 at www.Regulations.gov. Alternatively, the comment submittals can be found in the NRC’s Agencywide Documents Access and Management System (ADAMS) under Accession Numbers ML101250219 and ML093080192.

On April 27, 2010, PWROG submitted additional comments (ADAMS Accession No ML101250219) for NRC consideration on the revised draft model application for TSTF-446, Revision 3, which was provided to the PWROG at the March 26, 2010, public meeting with the NRC staff to discuss this traveler. The comments and the NRC staff disposition of each comment are as follows.

Note: The NRC disposition of the original set of comments submitted on October 15, 2009 (ADAMS Accession No ML093080192), follows this section. Please note that certain information in the disposition of the October 15, 2009, comments has been superseded by updated information presented within the section that addresses the April 27, 2010 comments.

Comments received on April 27, 2010

Comment 1:

General Comment: The model application should be limited to the implementation of the generic analysis and associated CIV Completion Times (CTs) contained in Section 8 of WCAP-15791-P-A, Rev. 2. This should be stated in the cover letter and Attachment 1 to the cover letter, as well as the Proposed Safety Evaluation. Proposed text has been added to the cover letter and Attachment 1 in Sections 2.1, 2.2, and 3.2, and Section 3.1 of the Proposed Safety Evaluation. Implementing the generic CTs obviates the need to perform plant specific Tier 1 evaluations to determine the CIV CTs, and therefore reference to Reg Guide 1.200, Rev. 2 is not required.

Disposition:

The NRC staff accepted the comment and incorporated the recommended changes into sections as stated above.

Comment 2:

General Comment: The model application includes the No Significant Hazards Consideration (NSHC) determination and also requires that it be included in the plant-specific license amendment request. This is inconsistent with previous model applications published via the

CLIP, which referenced the published NSHC. Requiring each licensee to resubmit the NSHC provides no benefit to the NRC or licensee. It is also inconsistent with the treatment of the Environmental Considerations included in the model application. It is recommended that the model application be revised to only reference the NSHC published in the Federal Register, and delete it as Attachment 6 in the model application. The word “analysis” was revised to “determination” to reflect the commonly used term for the NSHC.

Disposition:

The NRC staff considered the comment, however, pursuant to the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.91(a), a licensee is required to submit a NSHC analysis with its amendment request. Section 3.0 is revised to emphasize the 10 CFR 50.91(a) requirements.

Comment 3:

Section 1.0, “Description”; Deleted the phrase “-Risk Informed Technical Specification Task Force (RI-TSTF) Initiative 4a” from the title of TSTF-446. This change reflects the actual title of the traveler.

Disposition:

The NRC staff accepted the comment and incorporated the recommended changes in applicable sections of the models.

Comment 4:

Section 2.1, “Applicability of Published Safety Evaluation” of the model application, and in the Model Safety Evaluation of the model application, the model application requires the plant-specific license amendment request to address or meet the requirements contained in Nuclear Energy Institute (NEI) 99-04, Revision 0, “Guidelines for Managing NRC Commitment Changes.” NEI 99-04 is a voluntary industry guideline which the NRC determined to be acceptable for controlling regulatory commitments made by licensees to the NRC. NEI 99-04 was not referenced in TSTF-446, Rev. 3, discussed in the Model Safety Evaluation, or the SE for WCAP-15791-NP-A, Revision 2. It is inappropriate for the NRC to impose a requirement to follow a voluntary industry guideline when it was not proposed by the WCAP, or referenced in the NRC staff’s SE for the CIV CT changes. It is recommended that reference to NEI 99-04 be deleted from the model application.

Disposition:

The NRC staff concurred that NEI 99-04 is not referenced in TSTF-446, however, the NRC staff safety evaluation (Reference 8) states, “The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to regulatory commitment(s) can be provided by the licensees’ administrative processes, including their commitment management program. The staff has agreed that NEI 99-04 provides reasonable guidance for the control of regulatory commitments made to the staff (see Regulatory Issue Summary 2000-17, “Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff,” dated September 21, 2000).” Therefore, the NRC staff believes that a licensee’s

application should address the Guideline which is also referenced in a previously issued Notice of Availability (NoA) for a related TSTF.

Comment 5:

Section 3.2, “Verifications, Commitments, and Additional Information Needed”; it is stated “This LAR provides the plant-specific information on limitations and conditions specified in Section 4.0 and the additional information specified in Section 5.0 of the SE approving TR WCAP-15791-NP-A, Revision 2. In addition, consistent with TSTF-446, [LICENSEE] must provide information for Items 3.2.1 through 3.2.9 as discussed below in this amendment request.” These statements infer that items 3.2.1 through 3.2.9 do not address the items identified in Section 5.0 of the SE for WCAP-15791-NP-A, Revision 2, when they are addressed by items 3.2.1 through 3.2.9. Additionally, Section 4.0 of the SE for WCAP-15791-NP-A, Revision 2 is addressed by Condition D of TSTF-446, Rev. 3. Therefore, a Reviewer’s Note was added to clarify how Sections 4.0 and 5.0 of the SE for WCAP-15791-NP-A, Revision 2 are addressed.

Disposition:

The NRC staff incorporated the changes in Section 3.2 and added Reviewer’s Note as recommended in the comment.

Comment 6:

Section 3.2.2, “Demonstration (Tier 2 Evaluation)”; There is a requirement to ensure that before maintenance is completed on a CIV that the other CIVs in the penetration flow path have been confirmed to be in their proper position. Section 3.2.2 has been revised to clarify that this requirement is necessary. The reference to a Tier 3 evaluation was deleted, since Tier 3 evaluations are addressed in Section 3.2.3.

Disposition:

The NRC staff revised Section 3.2.2 per the recommended changes.

Comment 7:

Section 3.2.2, “Demonstration (Tier 2 Evaluation)”; The text “ and any inoperable CIVs...to the specific plant.” was deleted. WCAP-15791-P-A, Rev. 2 determined that the CIV Completion Times evaluated were acceptable from a risk standpoint. The Tier 3 evaluations discussed in Section 3.2.3, ensure that any additional inoperable CIVs will not result in a risk significant configuration.

Disposition:

The NRC staff revised Section 3.2.2 per the recommended changes.

Comment 8:

Sections 3.2.3, “Demonstration (Tier 3 Evaluation)” and 3.2.4 “Demonstration (Plant Specific PRA Quality),”; The text:..“performing a Tier 3 evaluation” was added to clarify that the quality,

scope, and technical adequacy of the PRA model must be sufficient for performing Tier 3 evaluations. Implementing the generic CTs obviates the need to perform plant specific Tier 1 evaluations to determine the CIV CTs, and therefore Reg Guide 1.200, Rev. 2 is not applicable for implementing the generic CTs.

Disposition:

The NRC staff concurred with the comment and revised Section 3.2.3 per the recommended changes.

Comment 9:

Section 3.2.3, "Demonstration (Tier 3 Evaluation)"; "has been" was revised to "will be" consistent with the regulatory commitment in Attachment 4, which does not require the PRA model to be capable of performing LERF/ICLERP assessment when submitting the license amendment request. The PRA model must include the modeling of CIVs prior to implementing the extended CIV CT changes.

Disposition:

The NRC staff revised Section 3.2.3 per the recommended change.

Comment 10:

Section 3.2.4, "Demonstration (Plant Specific PRA Quality)"; Third bullet contains the phrase "... including facts and observations (A and B)...". The words "currently referred to as Findings" were added, since the facts and observations no longer use the A, B, C, and D, categorization approach; only Findings (previously A&B) and Observations (others).

Disposition:

The NRC staff concurred and revised Section 3.2.4 accordingly.

Comment 11:

Section 3.2.4, "Demonstration (Plant Specific PRA Quality)"; In the third bullet, the phrase "input parameters used in the Tier 1 generic analysis" at the end of the first sentence, was replaced with "parameters used to demonstrate the applicability of the generic analysis and associated completion times." This change provides improved clarity as to what is required to implement the generic CT changes.

Disposition:

The NRC staff accepted the recommended changes and revised Section 3.2.4 accordingly.

Comment 12:

Section 3.2.4, "Demonstration (Plant Specific PRA Quality)"; The last paragraph that starts "As clarified in Regulatory Issue Summary 2007-06, "Regulatory Guide 1.200 Implementation," dated

March 22, 2007, the NRC staff will use RG 1.200 to assess the technical adequacy ...” should be deleted, since this model application is limited to implementing the generic CTs, and therefore the plant specific PRA model is not used in the evaluation.

Disposition:

The NRC staff reviewed and accepted the recommended changes and revised Section 3.2.4 accordingly.

Comment 13:

Section 3.2.5, “Demonstration (external events risk)”; At the end of the second sentence of the Reviewer’s Note the following words “ ... will not have an adverse impact on the conclusions of the plant-specific analysis with respect to the TR evaluation.” were replaced with “ is consistent with the generic analysis.” A plant specific analysis is not required to be performed, only a confirmation that the generic analysis and associated Completion Times are applicable to the plant.

Disposition:

The NRC staff concurred that a plant specific analysis is not required when a licensee confirms that the generic analysis and associated Completion Times are applicable to the plant. The staff revised Section 3.2.5 accordingly.

Comment 14:

Section 3.2.5, “Demonstration (external events risk)”; For the implementation of the generic analysis and associated CTs, it is only necessary to demonstrate that the parameters related to external events are applicable. The last four paragraphs of this section should be deleted, since this information is not necessary to demonstrate the applicability of the generic analysis and associated CTs.

Disposition:

The NRC staff reviewed and accepted the recommended changes and revised Section 3.2.5 accordingly.

Comment 15:

Section 3.2.6, “Demonstration (CIV Availability Monitoring)”; The CIV unavailability does not need to be monitored by the Maintenance Rule, there are other options available to monitor CIV unavailability. Therefore, the phrase in the Reviewer’s Note “under the maintenance rule” should be deleted from the text, and only that CIV unavailability be monitored.

Disposition:

The NRC staff revised Section 3.2.6 per the recommended changes.

Comment 16:

Section 3.2.6, “Demonstration (CIV Availability Monitoring)”; The phrase in the Reviewer’s Note “a previously approved risk-informed licensing action is found to no longer meet the acceptance guidelines of RG 1.174 and RG 1.177” should be replaced with “the CIV unavailability is inconsistent with the analysis assumptions.” This provides clarity to the Reviewer’s Note with respect to implementing the generic analysis. The words “CIV unavailability” were added for clarity.

Disposition:

The NRC concurred that CIV availability needs to be consistent with the analysis assumptions.

Comment 17:

Section 3.2.7, “Demonstration (Cumulative Risk Evaluation)”; The text:..“used to evaluate the applicability....to the specific plant.” was deleted. Cumulative risk and the confirmation of the applicability of the generic analysis on a plant specific basis are separate issues. WCAP-15791-P-A, Revision 2 determined the risk impact of the extended CTs changes based on a generic analysis. The plant specific PRA model is used to confirm that the assumptions made in the generic analysis are bounding, i.e., applicable to the plant implementing the generic CIV CT changes.

Disposition:

The NRC staff accepted the changes and revised Section 3.2.7 accordingly.

Comment 18:

Section 3.2.8, “(PRA Uncertainty)”; This section should be deleted. There is no need to address uncertainty associated with plant PRA models since the plant PRA model is not used to implement the generic analysis and associated CTs.

Disposition:

The staff concurred that it is not required to address PRA uncertainty with plant PRA models. The subject section is deleted.

Comment 19:

General Comment; Revised “WCAP-15791-NP-A, Revision 2” to “WCAP-15791-P-A, Revision 2.” Editorial comment for consistency when referring to the TR.

Disposition:

The NRC staff revised applicable sections of the models per the recommended changes.

Comments received on October 15, 2009

The NRC staff evaluated the public comments received on the model SE, model NSHC, and model LAR published in the *Federal Register* on September 15, 2009, (74 FR 47289-47298). The comments were received from the pressurized water reactor owners group (PWROG) (ADAMS Accession No. ML093080192). Enclosures 1 and 2 in the PWROG's letter provide a summary of comments and the proposed changes, respectively. The comments and the NRC staff disposition of each comment are as follows. (Please note that certain information in this section has been superseded by the previous section that dispositions the April 27, 2010, comments).

Comment 1:

The model application provides options to submit plant-specific analyses in the plant-specific submittal that deviate from the generic analyses and resulting Completion Times that were justified in WCAP-15971-NP-A, Rev. 2, which are reflected in TSTF-446, Rev. 3. These options allow a licensee to reference the model application, while deviating from the changes proposed in TSTF-446, Rev. 3. It is requested that these options in the model application be deleted, since they unnecessarily complicate the model application, and deviate from the generic analyses and resulting Completion Times which are reflected in TSTF-446, Rev. 3.

The Notice contains sufficient guidance should a licensee desire to deviate from the changes proposed in TSTF-446, Rev. 3. The Notice states, "The proposed change does not prevent licensees from requesting an alternate approach or proposing changes other than those proposed in TSTF-446, Revision 3. However, significant deviations from the approach recommended in this notice or the inclusion of additional changes to the license require additional NRC's review. This may increase the time and resources needed for the review or result in NRC staff's rejection of the LAR. Licensees desiring significant deviations or additional changes should instead submit an LAR that does not claim to adopt TSTF-446, Revision 3."

The options contained in the model application to submit plant-specific analyses deviate from the changes proposed in TSTF-446, Rev. 3.

Implementing Condition D, and the Completion Times for the specific penetration and CIV types that are reflected in TSTF-446, Rev. 3 that were justified by the generic Tier 1 analyses contained in WCAP-15971-NP-A, Rev. 2, eliminates the need to perform plant specific Tier 1 and Tier 2 evaluations, and therefore eliminating the need address Regulatory Guide 1.200, Rev. 2, except for Tier 3 evaluations, as discussed in Comment 7 below.

The proposed changes that delete these options to perform plant-specific analyses that are not consistent with the generic Tier 1 analyses contained in WCAP-15971-NP-A, Rev. 2 are identified in Enclosure 2.

Disposition:

- (a) The NRC staff accepted the comment that the options are not specifically addressed in TSTF-446, Rev. 3, and concurred that the model application contains sufficient guidance should a licensee desire to deviate from the changes proposed in TSTF-446, Rev. 3. Section 2.2 of the model application specifically

states, "if the licensee proposes variations or deviations, then the licensee needs to describe and justify these variations/deviations and include a statement, such as, the proposed amendment is consistent with the STS changes described in TSTF-446, Revision 3, but [LICENSEE] proposes variations or deviations from TSTF-446, as identified and justified below."

- (b) A statement in the 'Applicability' section currently states, "Applicants proposing to use PRA models for which NRC endorsed standards do not exist must submit documentation that identifies the characteristics of those models consistent with Sections 1.2 and 1.3 of RG 1.200 or identify and justify the methods to be applied for assessing the risk contribution for those sources of risk not addressed by PRA models," The commenter suggested replacing this with the statement, "Adoption of this CLIIP should be limited to implementing the generic Tier 1 analyses and associated Completion Times that are justified in WCAP-15971-P-A, Rev. 2." The NRC staff concurred with the suggested change with the following modification "Adoption of this TSTF should be limited to implementing the generic Tier 1 analyses including PRA assumptions and associated Completion Times, that are justified in WCAP-15971-P-A, Rev. 2." The NRC staff also revised Section 2.1 by adding the term "including PRA assumptions," which now states, "[LICENSEE] has concluded that the justifications and PRA assumptions presented in the TR and the SE are applicable to [PLANT] and justifies this amendment for the incorporation of the changes to the [PLANT] TSs."
- (c) Items 3.2.1 thru 3.2.12 in Section 3.2, "Verifications, Commitments, and Additional Information Needed," were restructured as items 3.2.1 thru 3.2.9 consistent with the adoption of TSTF-446. However, the requirements for a licensee's submittal remain unaffected by these changes.
- (d) The commenter suggested deleting the NRC staff "Discussion" on external events risk as stated in item 3.2.5. The NRC staff reviewed the comment, however the NRC staff determined that the information in item 3.2.5 "Discussion" or now labeled as "REVIEWER'S NOTE," should not be revised or deleted as it provides an explanation on the NRC staff expectations on the subject issue.

Comment 2:

In several locations, the model application uses the term "allowed outage time." This term, used in Technical Specifications prior to the Improved Standard Technical Specifications, is inconsistent with the terminology used in TSTF-446. All occurrences of the term "allowed outage time" should be replaced with "completion time".

Disposition:

The NRC staff accepted the comment and replaced the term "allowed outage time" with "completion time" in the models.

Comment 3:

The model application and No Significant Hazards Considerations Determination state that the licensee is adopting Topical Report WCAP-15791. That is incorrect. The application is to adopt the Technical Specification changes presented in TSTF-446. The model application should be revised.

Disposition:

The NRC staff accepted the comment, and corrected the subject statement in the model application and No Significant Hazards Consideration accordingly.

Comment 4:

The model application contains sections labeled “discussion.” It is unclear from these discussions whether the licensee is expected to include these sections in their applications. The wording in the “discussion” sections is inconsistent with the wording of a plant-specific amendment and appears to be guidance for the NRC reviewer. The sections should be clearly delineated as NRC Reviewer’s Notes.

Disposition:

The NRC staff accepted the comment and replaced the term, “Discussion” with “Reviewer’s Note,” as it is more appropriate than “NRC Reviewer’s Notes,” suggested by the commenter.

Comment 5:

The model application both references the No Significant Hazards Consideration (NSHC) determination published in the Federal Register and confirms its applicability to the plant-specific license amendment request, and includes a copy of the NSHC determination as an attachment to the application. This is inconsistent with previous model applications published via the CLIIP which referenced the published NSHC. Requiring each licensee to resubmit the NSHC, without alteration, has no benefit to the licensee or the NRC. Furthermore, it is inconsistent with the treatment of the Environmental Consideration in the model application. It is recommended that the model application be revised to only reference the NSHC published in the Federal Register.

Disposition:

The NRC staff considered the comment, however, pursuant to the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.91(a), a licensee is required to submit a NSHC analysis with its amendment request. Section 3.0 is revised to emphasize the 10 CFR 50.91(a) requirements.

Comment 6:

In the “Applicability” section of the Notice and the “Applicability of Published Safety Evaluation” section of the model application, the Notice requires a licensee’s plant-specific application to address or meet the requirements stated in Nuclear Energy Institute (NEI) 99-04, Revision 0, “Guidelines for Managing NRC Commitment Changes.” NEI 99-04 is a voluntary industry

standard which the NRC found to contain acceptable guidance for controlling regulatory commitments made by power reactor licensees to the NRC staff. NEI 99-04 was not referenced TSTF-446 or mentioned in the model Safety Evaluation. It is inappropriate for the NRC to impose a requirement to follow a voluntary industry standard when that standard was not proposed by the licensee or referenced as part of the NRC staff's Safety Evaluation for the change. The Notice and model application should be revised to delete the reference to NEI 99-04.

Disposition:

The NRC staff concurred that NEI 99-04 is not referenced in TSTF-446, however, the NRC staff safety evaluation (Reference 8) states, "The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to regulatory commitment(s) can be provided by the licensees' administrative processes, including their commitment management program. The staff has agreed that NEI 99-04 provides reasonable guidance for the control of regulatory commitments made to the staff (see Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000)." Therefore, the NRC staff believes that a licensee's application should address the Guideline which is also referenced in a previously issued Notice of Availability for a related TSTF.

Comment 7:

The Notice and the model application require submittal of plant-specific Probabilistic Risk Assessment (PRA) information which will be evaluated against Regulatory Guide (RG) 1.200, Revision 2, "An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk Informed Activities." The Notice and the model application should be revised to clarify that the risk associated with the Completion Time changes was justified in the generic Tier 1 analysis contained in WCAP-15791-NP-A, Rev. 2 and that the plant-specific PRA information to be provided should be limited to that information related to the technical adequacy necessary to perform a Tier 3 assessment in accordance with Section 2.3.7 of Regulatory Guide 1.177. Specifically, to provide assurance that there is PRA adequacy, completeness, and applicability with respect to evaluating the risk associated with the CIV Completion Time extensions, i.e., that the PRA model is, or will be capable of supporting CRMP assessments when a CIV is out of service. The containment isolation model in the PRA must ensure that all of the plant-specific penetration configurations are considered. The containment isolation fault tree can either: (1) contain CIVs for at least one of each of the penetration types contained in WCAP-15791-NP-A, Rev. 2 that are applicable to the plant that are greater than 2 inches in diameter and use an approach based on surrogates or (2) include all CIVs associated with the Completion Time extension for penetrations that are greater than 2 inches in diameter. Note that it is not required to model penetrations less than or equal to 2 inches in diameter, since a large release is not possible from a penetration of this size.

Disposition:

The NRC staff concurred that the RG 1.200 evaluation only needs to be addressed for the licensee's Tier 3 analysis if the Tier 1 and Tier 2 evaluations are bounded by the WCAP-15791-NP-A analysis.

Comment 8:

In multiple locations in Section 3.2 of the model application, it is stated that information is provided by the licensee; however the model application does not state where the licensee is to provide that information. A new attachment should be added to the model application to provide a location for the plant-specific information that needs to be provided.

Disposition:

The NRC staff accepted the comment and incorporated the recommended change into the model application as new Attachment 7 for the licensee to provide plant-specific information.