

**SUPPLEMENTARY INFORMATION:****Background**

Regulatory Issue Summary 2000-06, "Consolidated Line Item Improvement Process for Adopting Standard Technical Specification Changes for Power Reactors," was issued on March 20, 2000. The consolidated line item improvement process (CLIIP) is intended to improve the efficiency of NRC licensing processes. This is accomplished by processing proposed changes to the standard technical specifications (STS) in a manner that supports subsequent license amendment applications. The CLIIP includes an opportunity for the public to comment on proposed changes to the STS following a preliminary assessment by the NRC staff and finding that the change will likely be offered for adoption by licensees. The CLIIP directs the NRC staff to evaluate any comments received for a proposed change to the STS and to either reconsider the change or to proceed with announcing the availability of the change for proposed adoption by licensees. Those licensees opting to apply for the subject change to technical specifications are responsible for reviewing the staff's evaluation, referencing the applicable technical justifications, and providing any necessary plant-specific information. The included model safety evaluation provides the justification for the changes, stands alone, and is not an endorsement of the TSTF-359, Revision 8, Change Description and Justification. Each amendment application made in response to the notice of availability will be processed and noticed in accordance with applicable NRC rules and procedures.

This notice involves the modification of requirements regarding mode change limitations in technical specifications. The change referenced in the **Federal Register** Notice (FRN) 67 FR 50475, of August 2, 2002, is TSTF-359, Revision 7. TSTF-359, Revision 8, incorporates most, but not all responses to the public comments. Two additional changes to TSTF-359, Revision 8, are required and discussed in this notice. TSTF-359, Revision 7; TSTF-359, Revision 8; and TSTF-359, Revision 8, as modified; can all be viewed on the NRC's Web page at <http://www.nrc.gov/reactors/operating/licensing/techspecs/changes-issued-for-adoption.html>.

**Applicability**

This proposed change to modify technical specification requirements for TS mode change limitations is applicable to all licensees who currently have or who will adopt, in conjunction

with the proposed change, technical specification requirements for a bases control program consistent with the Technical Specifications (TS) Bases Control Program described in section 5.5 of the applicable vendor's STS, and STS Surveillance Requirement (SR) 3.0.1 and associated bases.

To efficiently process the incoming license amendment applications, the staff requests each licensee applying for the changes addressed by TSTF-359, Revision 8, as modified, using the CLIIP to include bases for the proposed technical specification consistent with the bases proposed in the TSTF-359, Revision 8, as modified by staff responses to public comments 8 and 20 below. In addition, for those licensees that have not adopted requirements for a bases control program or STS SR 3.0.1 by converting to the improved STS or by other means, the staff requests that they include the requirements for a bases control program and STS SR 3.0.1 and associated bases consistent with the STS, in your request for the proposed change. The need for a bases control program stems from the need for adequate regulatory control of some key elements of the proposal that are contained in the proposed bases for Limiting Condition for Operation (LCO) 3.0.4, SR 3.0.4, and SR 3.0.1. The staff is requesting that the bases be included with the proposed license amendments because, in this case, the changes to the technical specifications and changes to the associated bases form an integrated change to a plant's licensing basis. To ensure that the overall change, including the bases, includes the appropriate regulatory controls, the staff plans to condition the issuance of each license amendment on incorporation of the changes to the bases document and on ensuring the licensee's TS have a bases control program for controlling changes to the bases. The CLIIP does not prevent licensees from requesting an alternative approach or proposing the changes without the requested bases and bases control program. Variations from the approach recommended in this notice may, however, require additional justification, additional review by the NRC staff and may increase the time and resources needed for the review.

**Public Notices**

The staff issued a **Federal Register** Notice (67 FR 50475, August 2, 2002) that requested public comment on the NRC's pending action to approve modification of technical specification (TS) requirements regarding mode change limitations. In particular, following an assessment and draft safety evaluation by the NRC staff, the staff

sought public comment on proposed changes to the standard technical specifications (STS), designated as TSTF-359, Revision 7. TSTF-359, Revision 8, incorporates most, but not all responses to the public comments. Two additional changes to TSTF-359, Revision 8, are required and discussed in this notice. TSTF-359, Revision 7; TSTF-359, Revision 8; and TSTF-359, Revision 8, as modified; can all be viewed on the NRC's Web page at, <http://www.nrc.gov/reactors/operating/licensing/techspecs/changes-issued-for-adoption.html>. The TSTF-359, Revision 7, change request, the TSTF-359, Revision 8, change request, the TSTF-359, Revision 8, change request as modified by this notice, as well as the NRC staff's safety evaluation may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records are accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Library component on the NRC Web site, (the Electronic Reading Room).

In response to the notice soliciting comments from interested members of the public about modifying the TS requirements regarding mode change limitations, the staff received eight sets of comments (three from individual licensees, one from an industry contractor, and four from members of the public). Specific comments on the model SE are discussed below:

1. *Comment:* The last sentence of the first paragraph of Section 3.0, "Technical Evaluation" states, "Good practice should dictate that such transitions should normally be initiated only when all required equipment is operable and that mode transition with inoperable equipment should be the exception rather than the rule." If the required risk evaluation determines that it is acceptable to enter a Mode with certain required equipment inoperable, then this restriction is unnecessary. There may be some situations that recur routinely where the plant would benefit by changing modes with certain equipment inoperable. If the risk evaluation has determined that this change in modes is acceptable, then it should not matter if it is done routinely or as an "exception rather than the rule."

*Staff Response:* The statement reiterates a longstanding staff position. On June 4, 1987, Generic Letter 87-09 provided the first step in mode change flexibility, allowing mode changes where action requirements permitted continued operation for an indefinite