

**V. Authority and Signature**

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5-2007 (72 FR 31159).

Signed at Washington, DC, on November 15, 2007.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E7-22706 Filed 11-20-07; 8:45 am]

**BILLING CODE 4510-26-P**

**LEGAL SERVICES CORPORATION****Sunshine Act Meeting of the Board of Directors**

**TIME AND DATE:** The Board of Directors of the Legal Services Corporation will meet on November 27, 2007 via conference call. The meeting will begin at 2 p.m., and continue until conclusion of the Board's agenda.

**LOCATION:** 3333 K Street, NW., Washington, DC 20007, 3rd Floor Conference Center.

**STATUS OF MEETING:** Open, *except* that a portion of the meeting of the Board of Directors may be closed to the public pursuant to a vote of the Board of Directors to hold an executive session to consider and act on its response to the U.S. Government Accountability Office's Draft Report on LSC's oversight and management of its grants to legal services programs.

A *verbatim* written transcript of the session will be made. The transcript of any portions of the closed session falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(9)(B), and the corresponding provision of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(g), will not be available for public inspection. The transcript of any portions not falling within the cited provisions will be available for public inspection. A copy of the General Counsel's Certifications that the closings are authorized by law will be available upon request.

Directors will participate by telephone conference in such a manner as to enable interested members of the public to hear and identify all persons participating in the meeting. Members of the public may observe/hear the public session meeting by joining participating staff at the location indicated above or calling 1-800-857-5485.

**MATTERS TO BE CONSIDERED:****Agenda***Open Session*

1. Approval of agenda.
2. Consider and act on Board of Directors' response to the Inspector General's Semiannual Report to Congress for the period of April 1, 2007 through September 30, 2007.
3. Consider and act on other business.
4. Public comment.
5. Consider and act on whether to authorize an executive session of the Board to consider and act on a response to the U.S. Government Accountability Office's draft report on LSC's oversight and management of LSC grants to legal services programs.

*Closed Session*

6. Consider and act on response to the U.S. Government Accountability Office's draft report on LSC's oversight and management of LSC grants to legal services programs.
7. Consider and act on motion to adjourn meeting.

**FOR FURTHER INFORMATION CONTACT:**

Patricia Batie, Manager of Board Operations, at (202) 295-1500 or [pbatie@lsc.gov](mailto:pbatie@lsc.gov).

*Special Needs:* Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 295-1500 or [pbatie@lsc.gov](mailto:pbatie@lsc.gov).

Dated: November 16, 2007.

**Victor M. Fortuno,**

*Vice President, General Counsel & Corporate Secretary.*

[FR Doc. 07-5796 Filed 11-19-07; 11:39 am]

**BILLING CODE 7050-01-P**

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES****National Endowment for the Arts; Federal Advisory Committee on International Exhibitions**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Federal Advisory Committee on International Exhibitions will be held on December 13, 2007 in Room 527 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. The meeting, for the purpose of application review, will take place from 10:30 a.m.-4:30 p.m. (ending time is approximate), and will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 16, 2007, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: November 16, 2007.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Panel Operations.*

[FR Doc. E7-22732 Filed 11-20-07; 8:45 am]

**BILLING CODE 7537-01-P**

**NUCLEAR REGULATORY COMMISSION****Notice of Availability on Model Safety Evaluation; Model No Significant Hazards Determination, and Model Application for Licensees That Wish to Adopt TSTF-478, Revision 2, "BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control"**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Availability.

**SUMMARY:** Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC) has prepared a model safety evaluation (SE) and a model application related to the modification of containment combustible gas control requirements in technical specifications (TS) for Boiling Water Reactors (BWR). The NRC staff has also prepared a model no-significant-hazards-consideration (NSHC) determination related to this matter. The purpose of these models is to permit the NRC to efficiently process license amendment applications that propose to adopt TSTF-478, Revision 2, "BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control." TSTF-478, Revision 2, deletes Standard Technical Specification (STS) 3.6.3.3, "Containment Atmosphere Dilution (CAD) System" and modifies STS 3.6.3.1, "Drywell Cooling System Fans," in NUREG-1433, "Standard Technical

Specifications General Electric Plants, BWR/4, Rev. 3,” to establish TS for containment combustible gas control requirements as permitted by revised 10 CFR 50.44. Licensees of nuclear power reactors to which the models apply could then request amendments, confirming the applicability of the SE and NSHC determination to their plants.

**DATES:** The NRC staff issued a **Federal Register** Notice on October 11, 2007 (72 FR 57970) that provided a model safety evaluation (SE), a model application, and a model no significant hazards consideration (NSHC) determination relating to licensee adoption of TSTF-478, Revision 2, “BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control.” The NRC staff hereby announces that the model SE and NSHC determination may be referenced in plant-specific applications to adopt the changes. The staff will post a model application on the NRC web site to assist licensees in using the consolidated line item improvement process (CLIIP).

**FOR FURTHER INFORMATION CONTACT:** Tim Kobetz, *Mail Stop:* O-12H2, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-1932.

#### **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 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 a proposed change to the STS after a preliminary assessment by the NRC staff and a 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 NUREG-1433 and to either reconsider the change or announce the availability of the change for adoption by licensees.

This notice contains changes proposed for incorporation into the standard technical specifications by owners group participants in the Technical Specification Task Force

(TSTF) and is designated TSTF-478. TSTF-478, Revision 2 can be viewed on the NRC’s web page utilizing the Agencywide Documents Access and Management System (ADAMS). The ADAMS accession number for TSTF-478, Revision 2, is ML071920140.

TSTF-478, Revision 0, was originally submitted to the NRC on April 25, 2005 (ADAMS Accession No. ML051170308). The NRC staff issued a Request for Additional Information (RAI) letter on November 9, 2006 (ADAMS Accession No. ML062770089) and the TSTF provided an RAI Response letter dated February 7, 2007 (ADAMS Accession No. ML070380175). TSTF-478, Revision 1, was submitted to the NRC on February 21, 2007 (ADAMS Accession No. ML070530490). The NRC made a final determination, and denied TSTF-478, Revision 1, on May 8, 2007 (ADAMS Accession No. ML071090368). TSTF-478, Revision 2, removes the parts of TSTF-478, Revision 1, that were considered unacceptable to NRC staff.

It should be noted that TSTF-478, Revision 2, also proposes to revise the Bases for STS 3.6.3.2, “Drywell Purge System” in NUREG-1434, “Standard Technical Specifications General Electric Plants, BWR/6, Rev. 3,” by eliminating references to Design Basis Accidents while adding references to Accidents. This change was also listed in TSTF-478, Revision 1, and the NRC staff found this modification to be acceptable (ADAMS Accession No. ML071090368). Licensees that wish to revise the Bases of TS 3.6.3.2, “Drywell Purge System,” may do so, without a plant-specific license amendment request, provided the requirements of 10 CFR 50.59 are met. As a result, modifications to the Bases are not included in the model safety evaluation or model application.

##### **Applicability**

Licensees opting to apply for this TS change are responsible for reviewing the staff’s evaluation, referencing the applicable technical justifications, and providing any necessary plant-specific information. To efficiently process the incoming license amendment applications, the NRC staff requests that each licensee applying for the changes addressed by TSTF-478, Revision 2, using the CLIIP, submit a license amendment request that adheres to the attached model application. Variations from the model application in this notice may require additional review by NRC staff, and may increase the time and resources needed for review. Significant variations from the model application, or inclusion of additional

changes to the license, may result in staff rejection of the submittal. Each amendment application made in response to the notice of availability will be processed and noticed in accordance with applicable rules and NRC procedures.

##### **Public Notices**

In a notice in the **Federal Register** dated October 11, 2007 (72 FR 57970), the staff requested comment on the use of the CLIIP to process requests to revise the TS regarding TSTF-478, Revision 2. No comments were received. Licensees wishing to adopt the change must submit an application in accordance with applicable rules and other regulatory requirements. For each application the staff will publish a notice of consideration of issuance of amendment to facility operating licenses, a proposed no significant hazards consideration determination, and a notice of opportunity for a hearing. The staff will also publish a notice of issuance of an amendment to an operating license to announce the deletion of TS 3.6.3.3, “Containment Atmosphere Dilution (CAD) System” and the modification of TS 3.6.3.1, “Drywell Cooling System Fans,” for each plant that receives the requested change.

Dated at Rockville, Maryland, this 14th of November 2007.

For the Nuclear Regulatory Commission.

**Timothy Kobetz,**

*Branch Chief, Technical Specifications Branch, Division of Inspections and Regional Support, Office of Nuclear Reactor Regulation.*

##### **Proposed Model Application for License Amendments Adopting TSTF-478, REV. 2, “BWR Technical Specification Changes That Implement the Revised Rule for Combustible Gas Control”**

U.S. Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555

**SUBJECT:** [Plant Name], Docket No. 50-\_\_\_ License Amendment Request for Adoption of TSTF-478, REV. 2, “BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control”

In accordance with the provisions of Section 50.90 of Title 10 of the Code of Federal Regulations (10CFR), [LICENSEE] is submitting a request for an amendment to the technical specifications (TS) for [PLANT NAME, UNIT NO.].

The proposed amendment would delete TS 3.6.3.3, “Containment

Atmosphere Dilution (CAD) System” and revise TS 3.6.3.1, “Drywell Cooling System Fans,” and the associated Bases, to modify containment combustible gas control requirements as permitted by 10 CFR 50.44. This change is consistent with NRC approved Revision 2 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF–478, “BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control.” [Discuss any differences with TSTF–478, Revision 2.] The availability of this TS improvement was announced in the **Federal Register** on [Date] ([ ] FR [ ]) as part of the consolidated line item improvement process (CLIIP).

Attachment 1 provides an evaluation of the proposed change. Attachment 2 provides the existing TS pages marked up to show the proposed change. Attachment 3 provides the proposed TS changes in final typed format. Attachment 4 provides the existing Bases pages marked up to show the proposed change.

[LICENSEE] requests approval of the proposed license amendment by [DATE], with the amendment being implemented [BY DATE OR WITHIN X DAYS].

In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the designated [STATE] Official.

If you should have any questions regarding this submittal, please contact [ ].

I declare [or certify, verify, state] under penalty of perjury that the foregoing is true and correct. [NAME, TITLE]

Attachments:

1. Evaluation of Proposed Change
2. Proposed Technical Specification Change (Mark-Up)
3. Proposed Technical Specification Change (Re-Typed)
4. Proposed Technical Specification Bases Change (Mark-Up)

cc: [NRR Project Manager]

[Regional Office]

[Resident Inspector]

[State Contact]

#### **Attachment 1—Evaluation of Proposed Change**

License Amendment Request for Adoption of TSTF–478, Rev. 2, “BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control”

- 1.0 Description
- 2.0 Proposed Change
- 3.0 Background
- 4.0 Technical Analysis

#### **5.0 Regulatory Safety Analysis**

- 5.1 No Significant Hazards Determination
- 5.2 Applicable Regulatory Requirements/Criteria
- 6.0 Environmental Consideration
- 7.0 References

#### **1.0 Description**

The proposed amendment would delete TS 3.6.3.3, “Containment Atmosphere Dilution (CAD) System” and revise TS 3.6.3.1, “Drywell Cooling System Fans,” and the associated Bases, that will result in modifications to containment combustible gas control TS requirements as permitted by 10 CFR 50.44. This change is consistent with NRC approved Revision 2 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF–478, “BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control.” The availability of this TS improvement was announced in the **Federal Register** on [Date] ([ ] FR [ ]) as part of the consolidated line item improvement process (CLIIP).

#### **2.0 Proposed Change**

Consistent with the NRC approved Revision 2 of TSTF–478, the proposed TS changes delete TS 3.6.3.3, “Containment Atmosphere Dilution (CAD) System” and revise TS 3.6.3.1, “Drywell Cooling System Fans.” Proposed revisions to the TS Bases are also included in this application. Adoption of the TS Bases associated with TSTF–478, Revision 2 is an integral part of implementing this TS amendment. The changes to the affected TS Bases pages will be incorporated in accordance with the TS Bases Control Program.

This application is being made in accordance with the CLIIP. [LICENSEE] is [not] proposing variations or deviations from the TS changes described in TSTF–478, Revision 2, or the NRC staff’s model safety evaluation (SE) published on [DATE] ([ ] FR [ ]) as part of the CLIIP Notice of Availability. [Discuss any differences with TSTF–478, Revision 2.]

#### **3.0 Background**

The background for this application is adequately addressed by the NRC Notice of Availability published on [DATE] ([ ] FR [ ]).

#### **4.0 Technical Analysis**

[LICENSEE] has reviewed the safety evaluation (SE) published on [DATE] ([ ] FR [ ]) as part of the CLIIP Notice of Availability. [LICENSEE] has concluded

that the technical justifications presented in the SE prepared by the NRC staff are applicable to [PLANT, UNIT NO.] and therefore justify this amendment for the incorporation of the proposed changes to the [PLANT] TS.

#### **5.0 Regulatory Safety Analysis**

##### **5.1 No Significant Hazards Determination**

[LICENSEE] has reviewed the no significant hazards determination published on [DATE] ([ ] FR [ ]) as part of the CLIIP Notice of Availability. [LICENSEE] has concluded that the determination presented in the notice is applicable to [PLANT, UNIT NO.] and the determination is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

##### **5.2 Applicable Regulatory Requirements/Criteria**

A description of the proposed TS change and its relationship to applicable regulatory requirements was provided in the NRC Notice of Availability published on [DATE] ([ ] FR [ ]).

#### **6.0 Environmental Consideration**

[LICENSEE] has reviewed the environmental evaluation included in the safety evaluation (SE) published on [DATE] ([ ] FR [ ]) as part of the CLIIP Notice of Availability. [LICENSEE] has concluded that the staff’s findings presented in that evaluation are applicable to [PLANT, NO.] and the evaluation is hereby incorporated by reference for this application.

#### **7.0 References**

1. **Federal Register** Notice, Notice of Availability published on [DATE] ([ ] FR [ ]).

2. TSTF–478 Revision 2, “BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control.”

**Attachment 2—Proposed Technical Specification Change (Mark-Up)**

**Attachment 3—Proposed Technical Specification Change (Re-Typed)**

**Attachment 4—Proposed Technical Specification Bases Change (Mark-Up)**

Model Safety Evaluation

U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Consolidated Line Item Improvement.

Technical Specification Task Force Change TSTF–478, Revision 2, “BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control”

## 1.0 Introduction

By application dated [Date], [Name of Licensee] (the licensee) requested changes to the Technical Specifications (TS) for the [Name of Facility].

The proposed changes would:

1. Delete TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System"
2. Revise TS 3.6.3.1, "Drywell Cooling System Fans" eliminate Required Action B.1. Required Action B.1 requires operators to verify by administrative means that a hydrogen control function is maintained in the primary containment when two required drywell cooling system fans are inoperable.

The licensee stated that the application is consistent with NRC approved Revision 2 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-478, "BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control." [Discuss any differences with TSTF-478, Revision 2.] The availability of this TS improvement was announced in the **Federal Register** on [Date] ([ ] FR [ ]) as part of the consolidated line item improvement process (CLIP).

## 2.0 Regulatory Evaluation

General Design Criterion (GDC) 41, "Containment atmosphere cleanup," of Appendix A to 10 CFR part 50 requires, in part, that systems to control fission products, hydrogen, oxygen, and other substances that may be released into the reactor containment shall be provided as necessary to reduce the concentration and quality of fission products and control the concentration of hydrogen, oxygen, and other substances in the containment atmosphere following postulated accidents to assure that containment integrity is maintained. Section 50.44, "Combustible Gas Control for Nuclear Power Reactors," of Title 10 of the Code of Federal Regulations (10 CFR) provides, among other things, standards for controlling combustible gas that may accumulate in the containment atmosphere during accidents.

10 CFR 50.44 was revised on September 16, 2003 (68 FR 54123), as a result of studies that led to an improved understanding of combustible gas behavior during severe accidents. The studies confirmed that the hydrogen release postulated from a design-basis Loss of Coolant Accident (LOCA) was not risk significant because it was not large enough to lead to early containment failure, and that the risk associated with hydrogen combustion

was from beyond design-basis (*i.e.*, severe) accidents. As a result, requirements for maintaining hydrogen control equipment associated with a design-basis LOCA were eliminated from 10 CFR 50.44. Regulatory Guide (RG) 1.7, "Control of Combustible Gas Concentrations in Containment Following a Loss-of-Coolant Accident," Revision 3, dated March 2007, provides detailed guidance that would be acceptable for implementing 10 CFR 50.44.

Section 182a of the Atomic Energy Act requires applicants for nuclear power plant operating licenses to include TS as part of the license application. The TS, among other things, help to ensure the operational capability of structures, systems, and components that are required to protect the health and safety of the public. The NRC's regulatory requirements related to the content of the TS are contained in Section 50.36 of Title 10 of the Code of Federal Regulations (10 CFR 50.36), which requires that the TS include items in the following categories: (1) Safety limits, limiting safety systems settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) Surveillance Requirements (SR); (4) design features; and (5) administrative controls. 10 CFR 50.36(c)(2)(i) states, in part, that "limiting conditions for operation are the lowest functional capability or performance levels of equipment required for safe operation of the facility. When a limiting condition for operation of a nuclear reactor is not met, the licensee shall shut down the reactor or follow any remedial action permitted by the technical specifications until the condition can be met." TSTF-478, Revision 2 contains changes to remedial actions permitted by the technical specifications.

### 2.1 Containment Atmosphere Dilution System

The design purpose of the CAD system is to maintain combustible gas concentrations within the primary containment at or below the flammability limits following a postulated LOCA by diluting hydrogen and oxygen with the addition of nitrogen. The CAD system, however, is considered ineffective at mitigating hydrogen releases from the more risk significant beyond design-basis accidents that could threaten primary containment integrity. The revised 10 CFR 50.44 rule requires systems and measures be in place to reduce the risks associated with combustible gases from beyond design-basis accidents and eliminates requirements for maintaining

hydrogen and oxygen control equipment associated with a design-basis LOCA. As a result, the CAD system is no longer a mitigating safety system required to be maintained per the revised 10 CFR 50.44 rule. TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System," can therefore be deleted, and the technical basis for allowing the deletion is found in Section 3.0, Technical Evaluation.

### 2.2 Drywell Cooling System Fans

10 CFR 50.44 requires that all primary containments must have a capability for ensuring a mixed atmosphere. The purpose of the Drywell Cooling System Fans is to ensure a uniformly mixed post accident primary containment atmosphere. Drywell Cooling System Fans are a mitigating safety system that meets the requirements of 10 CFR 50.44. The proposed TS change modifies the Required Actions that operators must take when the Drywell Cooling System Fans are inoperable in accordance with 10 CFR 50.36(c)(2)(i). Therefore, the Remedial Actions and associated allowed Completion Times when Drywell Cooling System Fans are inoperable may be revised as permitted by 10 CFR 50.36(c)(2)(i). The technical basis for allowing the revision to the Required Actions in TS 3.6.3.1, "Drywell Cooling System Fans," is found in Section 3.0, Technical Evaluation.

## 3.0 Technical Evaluation

### 3.1 Containment Atmosphere Dilution System

BWRs with Mark I containment designs have either installed hydrogen recombiners or CAD systems to meet requirements for combustible gas control following a design-basis LOCA. The hydrogen recombiners and the CAD system perform similar functions for post-LOCA gas control by decreasing the hydrogen concentration. Hydrogen recombiners function to reduce the combustible gas concentration in the primary containment by recombining hydrogen and oxygen to form water vapor. The CAD system functions to maintain combustible gas concentrations within the primary containment at or below the flammability limits following a postulated LOCA by diluting hydrogen and oxygen by adding nitrogen to the mixture.

Studies performed in support of the 10 CFR 50.44 rule change (September 16, 2003, 68 FR 54123) confirmed that the hydrogen release postulated from a design-basis LOCA was not risk significant because it was not large

enough to lead to early containment failure, and that the risk associated with hydrogen combustion was from beyond design-basis (i.e., severe) accidents. As a result, the revised 10 CFR 50.44 rule eliminates requirements for maintaining hydrogen control equipment associated with a design-basis LOCA and requires systems and measures be in place to reduce the risks associated with hydrogen combustion from beyond design-basis accidents.

The CAD system maintains combustible gas concentrations within the primary containment at or below the flammability limits following a LOCA, however, this system, as discussed in the 10 CFR 50.44 rule change was shown to be ineffective at mitigating hydrogen releases from the more risk significant beyond design-basis accidents that could threaten primary containment integrity, and is no longer required to address a design-basis LOCA. Therefore, the staff finds that the deletion of TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System," is acceptable.

### 3.2 Drywell Cooling System Fans

The design function of the Drywell Cooling System Fans is to ensure a uniformly mixed post accident primary containment atmosphere. LCO 3.6.3.1 requires that two Drywell Cooling System Fans shall be operable. One Drywell Cooling System Fan, and associated subsystem components, is needed to perform the mitigating system safety function. When both required Drywell Cooling System Fans are inoperable, Required Action B.1 requires operators to verify by administrative means that a hydrogen control function is maintained in the primary containment, and Required Action B.2 requires operators to restore one required Drywell Cooling System Fan to operable status. The Completion Time for Required Action B.1 is within 1 hour and once per 12 hours thereafter, while the Completion Time for Required Action B.2 is within 7 days. The license amendment request proposes to eliminate Required Action B.1. As a result of the proposed revision, operators would only be required to restore one required Drywell Cooling System Fan to operable status within 7 days when two required Drywell Cooling System Fans are inoperable.

The NRC staff considered the consequences of having two required Drywell Cooling System Fans inoperable for 7 days without operators having to verify by administrative means that a hydrogen control function is maintained in the primary containment. Neither NUREG-1150,

"Severe Accident Risks: An Assessment for Five U.S. Nuclear Power Plants," nor the technical analyses in support of the risk-informed changes to 10 CFR 50.44, credit the function of the drywell fans in a beyond design-basis (i.e., severe) accident because the fans are deemed ineffective in preventing a challenge to containment integrity due to combustible gas accumulation in a deinerted containment. Because Mark I and II containments are inerted, the risk significance of keeping the atmosphere mixed to prevent hydrogen combustion is low. Based on the above discussion, and the limited time (7 days) that the Drywell Cooling System Fans would be unavailable, the NRC staff finds that the proposed revision to TS 3.6.3.1, "Drywell Cooling System Fans," is acceptable.

### 4.0 State Consultation

In accordance with the Commission's regulations, the [Name of State] State official was notified of the proposed issuance of the amendment. The State official had [no] comments. [If comments were provided, they should be addressed here].

### 5.0 Environmental Consideration

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding issued on [Date] ([ ] FR [ ]). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the amendment.

### 6.0 Conclusion

The Commission has concluded, based on the considerations discussed above, that: (1) There is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the

amendment will not be inimical to the common defense and security or to the health and safety of the public.

### 7.0 References

3. **Federal Register** Notice, Notice of Availability published on [DATE] ([ ] FR [ ]).

4. TSTF-478 Revision 2, "BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control."

Principal Contributors: [Brian Lee, Aron Lewin, Robert Palla]

### Model No Significant Hazards Determination

*Description of Amendment Request:* The proposed amendment would delete TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System" and revise TS 3.6.3.1, "Drywell Cooling System Fans," and the associated Bases, that will result in modifications to technical specification (TS) containment combustible gas control requirements as permitted by 10 CFR 50.44.

*Basis for No Significant Hazards Determination:* As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

*Criterion 1:* The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Containment Atmosphere Dilution (CAD) system is not an initiator to any accident previously evaluated. The TS Required Actions taken when a drywell cooling system fan is inoperable are not initiators to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased.

The revised 10 CFR 50.44 no longer defines a design basis accident (DBA) hydrogen release and the Commission has subsequently found that the DBA loss of coolant accident (LOCA) hydrogen release is not risk significant. In addition, CAD has been determined to be ineffective at mitigating hydrogen releases from the more risk significant beyond design basis accidents that could threaten containment integrity. Therefore, elimination of the CAD system will not significantly increase the consequences of any accident previously evaluated. The consequences of an accident while relying on the revised TS Required Actions for drywell cooling system fans are no different than the consequences of the same accidents under the current Required Actions. As a result, the consequences of any accident previously evaluated is not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

*Criterion 2:* The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

No new or different accidents result from utilizing the proposed change. The proposed change permits physical alteration of the plant involving removal of the CAD system. The CAD system is not an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building from any design basis event. The changes to the TS do not alter assumptions made in the safety analysis, but reflect changes to the design requirements allowed under the revised 10 CFR 50.44. The proposed change is consistent with the revised safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

*Criterion 3:* The proposed change does not involve a significant reduction in a margin of safety.

The Commission has determined that the DBA LOCA hydrogen release is not risk significant, therefore is not required to be analyzed in a facility accident analysis. The proposed change reflects this new position and, due to remaining plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, including postulated beyond design basis events, does not result in a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, the NRC concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

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## NUCLEAR REGULATORY COMMISSION

### Notice of Opportunity To Comment on Model Safety Evaluation on Technical Specification Improvement for B&W Reactor Plants To Risk-Inform Requirements Regarding Selected Required Action End-States Using the Consolidated Line Item Improvement Process

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for comment.

**SUMMARY:** Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC) has prepared a model safety evaluation (SE) and model license amendment request (LAR) relating to changes to the end-state requirements for required actions in B&W reactor plants' technical specifications (TS). Current technical specification action requirements frequently require that the unit be brought to cold shutdown when the technical specification limiting condition for operation for a system has not been met. Depending on the system, and the affected safety function, the requirement to go to cold shutdown may not represent the most risk effective course of action. In accordance with a qualitative risk analysis that provides a basis for changes to the action requirement to shutdown, where appropriate the shutdown end-state is changed from cold shutdown to hot shutdown. The affected TS are:

- 3.3.5 Engineered Safety Feature Actuation System (ESFAS) Instrumentation.
- 3.3.6 ESFAS Manual Initiation.
- 3.4.6 Reactor Coolant System (RCS) Loops—MODE 4.
- 3.4.15 RCS Leakage Detection Instrumentation.
- 3.5.4 Borated Water Storage Tank (BWST).
- 3.6.2 Containment Air Locks.
- 3.6.3 Containment Isolation Valves.
- 3.6.4 Containment Pressure.
- 3.6.5 Containment Air Temperature.
- 3.6.6 Containment Spray and Cooling Systems.
- 3.7.7 Component Cooling Water System.
- 3.7.8 Service Water System.
- 3.7.9 Ultimate Heat Sink.
- 3.7.10 Control Room Emergency Ventilation System (CREVS).
- 3.7.11 Control Room Emergency Air Temperature Control System (CREATCS).
- 3.8.1 AC Sources—Operating.
- 3.8.4 DC Sources—Operating.
- 3.8.7 Inverters—Operating.
- 3.8.9 Distribution Systems—Operating.

The NRC staff has also prepared a model no significant hazards consideration (NSHC) determination relating to this matter. The purpose of

these models is to permit the NRC to efficiently process amendments that propose to adopt technical specification changes, designated as TSTF-431, Revision 2, related to Topical Report BAW-2441, Revision 2, "Risk Informed Justification for LCO End-State Changes," September 2006. Licensees of B&W nuclear power reactors to which the models apply could then request amendments utilizing the models and justifying the applicability of the SE and NSHC determination to their reactors. The NRC staff is requesting comments on the model SE, model LAR, and model NSHC determination prior to announcing their availability for referencing in license amendment applications.

**DATES:** The comment period expires December 21, 2007. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Comments may be submitted either electronically or via U.S. mail.

Submit written comments to Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, *Mail Stop:* T-6 D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand deliver comments to: 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Copies of comments received may be examined at the NRC's Public Document Room, 11555 Rockville Pike (Room O-1F21), Rockville, Maryland. Comments may be submitted by electronic mail to [CLIP@nrc.gov](mailto:CLIP@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Timothy Kobetz, *Mail Stop:* O-12H2, Technical Specifications Branch, Division of Inspection & Regional Support, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-1932.

#### 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 (CLIP) is intended to improve the efficiency of NRC licensing processes, by processing proposed changes to the standard technical specifications (STS) in a manner that supports subsequent license amendment applications. The