

September 13, 2001

Mr. Gary Van Middlesworth  
Site Vice President  
Duane Arnold Energy Center  
Nuclear Management Company, LLC  
3277 DAEC Road  
Palo, IA 52324-0351

SUBJECT: DUANE ARNOLD ENERGY CENTER - ISSUANCE OF AMENDMENT TO  
REVISE TECHNICAL SPECIFICATIONS RE: BASES CONTROL PROGRAM  
(TAC NO. MB1841)

Dear Mr. Van Middlesworth:

The Commission has issued the enclosed Amendment No. 241 to Facility Operating License No. DPR-49 for the Duane Arnold Energy Center (DAEC). The amendment consists of changes to the Technical Specifications (TS) in response to the application by Nuclear Management Company, LLC (NMC) dated April 6, 2001.

The amendment changes TS Section 5.5.10, "Technical Specifications (TS) Bases Control Program," in accordance with Nuclear Energy Institute TS Task Force Standard TS Change Traveler, TSTF-364, "Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59," Revision 0.

A copy of our related safety evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

If you have any questions regarding this matter, I may be reached at 301-415-2020.

Sincerely,

/RA/

Brenda L. Mozafari, Project Manager, Section 1  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-331

Enclosures: 1. Amendment No. 241 to DPR-49  
2. Safety Evaluation

cc: See next page

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OFFICE	PDIII-1/PM	PDIII-1/LA	RTSB/SC	OGC	PDIII-1/SC
NAME	BMozafari	THarris	RDennig	RWeisman	CCraig
DATE	8/24/01	8/28/01	8/29/01	9/7/01	9/12/01

OFFICIAL RECORD COPY

Duane Arnold Energy Center

cc:

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Palo, IA 52324

NUCLEAR MANAGEMENT COMPANY, LLC

DOCKET NO. 50-331

DUANE ARNOLD ENERGY CENTER

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 241

License No. DPR-49

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Nuclear Management Company (the licensee) dated April 6, 2001, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public; and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to the license amendment and Paragraph 2.C.(2) of Facility Operating License No. DPR-49 is hereby amended to read as follows:

The Technical Specifications contained in Appendix A, as revised through Amendment No. 241, and the Environmental Protection Plan contained in Appendix B are hereby incorporated in the license. Nuclear Management Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of issuance and shall be implemented within 30 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Claudia M. Craig, Chief, Section 1  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical Specifications

Date of Issuance: September 13, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 241

FACILITY OPERATING LICENSE NO. DPR-49

DOCKET NO. 50-331

Revise the Technical Specifications by removing the page identified below and inserting the enclosed page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

REMOVE

5.0-16

INSERT

5.0-16

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 241 TO FACILITY OPERATING LICENSE NO. DPR-49  
NUCLEAR MANAGEMENT COMPANY, LLC  
DUANE ARNOLD ENERGY CENTER  
DOCKET NO. 50-331

## 1.0 INTRODUCTION

By application dated April 6, 2001, Nuclear Management Company (the licensee) requested a change to the Technical Specifications (TS) for the Duane Arnold Energy Center (DAEC). The proposed amendment would revise TS 5.5.10, "Technical Specifications (TS) Bases Control Program," which currently states, in part, that licensees may make changes to Bases without prior Nuclear Regulatory Commission (NRC) approval provided the changes do not "involve...[a] change to the updated Final Safety Analysis Report (FSAR) or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59." The proposed amendment would change this quoted portion of TS 5.5.10 to state "require...[a] change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59." The changes are based upon the Nuclear Energy Institute's Technical Specification Task Force (TSTF) Standard TS Change Traveler, TSTF-364, "Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59." TSTF-364, Revision 0, revises Section 5.5.10, TS Bases Control Program, to reference 10 CFR 50.59 rather than "unreviewed safety question." Also, editorial change WOG-ED-24, which substitutes "require" for "involve" in Section 5.5.10 is made for consistency in usage.

## 2.0 EVALUATION

The existing requirements governing the authority of production and utilization facility licensees to make changes to their facilities and procedures, or to conduct tests or experiments, without prior NRC approval are contained in 10 CFR 50.59, "Changes, Tests, and Experiments." When the DAEC TS were issued, 10 CFR 50.59 provided that licensees may make changes to the facility or procedures as described in the safety analysis report, or conduct tests or experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test, or experiment involves a change to the TS incorporated in the license or an unreviewed safety question. Section 50.59(a)(2) stated that a proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any TS is reduced. On October 4, 1999, the NRC published in the *Federal Register* (64 FR 53582) a

change to 10 CFR 50.59 addressing a number of issues concerning implementation of the current rule, and removing the term "unreviewed safety question."

The proposed change is an administrative modification of existing TS requirements for the TS FSAR and Bases change program to simply reference changes pursuant to 10 CFR 50.59 rather than the term "unreviewed safety question." This change is administrative in nature and will make the review process for Bases changes consistent with that of 10 CFR 50.59. The change, for the reasons stated, is acceptable.

#### 4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Iowa State official was notified of the proposed issuance of the amendment. The State official had no comments.

#### 5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

#### 6.0 CONCLUSION

The Commission has concluded, based upon 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.

Principal Contributor: S. Miranda

Date: September 13, 2001