

October 30, 2001

Mr. Jeffrey S. Forbes
Site Vice President
Monticello Nuclear Generating Plant
Nuclear Management Company, LLC
2807 West County Road 75
Monticello, MN 55362-9637

SUBJECT: MONTICELLO NUCLEAR GENERATING PLANT - ISSUANCE OF AMENDMENT
RE: RELOCATION OF TECHNICAL SPECIFICATION ADMINISTRATIVE
CONTROLS RELATED TO QUALITY ASSURANCE PLAN (TAC NO. MB2790)

Dear Mr. Forbes:

The Commission has issued the enclosed Amendment No. 124 to Facility Operating License No. DPR-22 for the Monticello Nuclear Generating Plant. The amendment consists of changes to the Technical Specifications in response to your application dated August 15, 2001.

The amendment revises the TSs to (1) reflect the replacement of Monticello's licensed operator initial and requalification training programs with an accredited systems-approach-to-training program and (2) relocate the existing TS requirements for procedures, records, and reviews to the operational quality assurance plan.

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.

Sincerely,

/RA/

Carl F. Lyon, Project Manager, Section 1
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-263

Enclosures: 1. Amendment No. 124 to DPR-22
2. Safety Evaluation

cc w/encls: See next page

Monticello Nuclear Generating Plant

cc:

J. E. Silberg, Esquire
Shaw, Pittman, Potts and Trowbridge
2300 N Street, N. W.
Washington, DC 20037

U.S. Nuclear Regulatory Commission
Resident Inspector's Office
2807 W. County Road 75
Monticello, MN 55362

Site Licensing Manager
Monticello Nuclear Generating Plant
Nuclear Management Company, LLC
2807 West County Road 75
Monticello, MN 55362-9637

Robert Nelson, President
Minnesota Environmental Control
Citizens Association (MECCA)
1051 South McKnight Road
St. Paul, MN 55119

Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, IL 60532-4351

Commissioner
Minnesota Department of Health
717 Delaware Street, S. E.
Minneapolis, MN 55440

Douglas M. Gruber, Auditor/Treasurer
Wright County Government Center
10 NW Second Street
Buffalo, MN 55313

Commissioner
Minnesota Department of Commerce
121 Seventh Place East
Suite 200
St. Paul, MN 55101-2145

Adonis A. Neblett
Assistant Attorney General
Office of the Attorney General
445 Minnesota Street
Suite 900
St. Paul, MN 55101-2127

Mr. Roy A. Anderson
Executive Vice President and
Chief Nuclear Officer
Nuclear Management Company, LLC
700 First Street
Hudson, WI 54016

Nuclear Asset Manager
Xcel Energy, Inc.
414 Nicollet Mall
Minneapolis, MN 55401

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Site Vice President
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*Previously concurred

OFFICE	PDIII-1/PM	PDIII-1/LA	RTSB/SC	OGC	PDIII-1/(A)SC
NAME	FLyon	RBouling	RDennig*	RWeisman*	WReckley
DATE	10/23/01	10/26/01	9/25/01	10/23/01	10/29/01

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NUCLEAR MANAGEMENT COMPANY, LLC

DOCKET NO. 50-263

MONTICELLO NUCLEAR GENERATING PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 124
License No. DPR-22

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nuclear Management Company, LLC (the licensee) dated August 15, 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; and
 - 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 this license amendment, and paragraph 2.C.2 of Facility Operating License No. DPR-22 is hereby amended to read as follows:

Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 124, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of the date of issuance, including the revisions to the OQAP as specified in the licensee's application dated August 15, 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

William D. Reckley, Acting 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: October 30, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 124

FACILITY OPERATING LICENSE NO. DPR-22

DOCKET NO. 50-263

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

iv
233
244
251

INSERT

iv
233
244
251

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 124 TO FACILITY OPERATING LICENSE NO. DPR-22

NUCLEAR MANAGEMENT COMPANY, LLC

MONTICELLO NUCLEAR GENERATING PLANT

DOCKET NO. 50-263

1.0 INTRODUCTION

By application dated August 15, 2001, the Nuclear Management Company, LLC (the licensee), requested changes to the Technical Specifications (TSs) for Monticello Nuclear Generating Plant. The proposed amendment would revise the TSs to (1) reflect the replacement of Monticello's licensed operator initial and requalification training programs with an accredited systems-approach-to-training program and (2) relocate the existing TS requirements for procedures, records, and reviews to the Operational Quality Assurance Plan (OQAP).

2.0 EVALUATION OF RELOCATION OF TS ADMINISTRATIVE CONTROLS

2.1 Background

Section 182a of the Atomic Energy Act (the "Act") requires applicants for nuclear power plant operating licenses to state TSs to be included as part of the license. The Commission's regulatory requirements related to the content of TSs are set forth in Title 10, *Code of Federal Regulations* (CFR), Section 50.36. The regulation at 10 CFR 50.36 requires that the TSs include items in the following five specific categories: (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements (SRs); (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TSs.

The Commission amended 10 CFR 50.36 (60 FR 36953) and codified four criteria to be used in determining whether a particular matter is required to be included in an LCO, as follows: (1) Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary; (2) a process variable, design feature, or operating restriction that is an initial condition of a design-basis accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (3) a structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a design-basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; or (4) a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety. LCOs and related

requirements that fall within or satisfy any of the criteria in the regulation must be retained in the TSs, while those requirements that do not fall within or satisfy these criteria may be relocated to licensee-controlled documents. While the criteria specifically apply to LCOs, in adopting the revision to the rule, the Commission noted that the staff had used the intent of these criteria to identify the optimum set of administrative controls in the TSs (60 FR 36957).

The regulation at 10 CFR 50.36 states that administrative controls "are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner." The specific content of the administrative controls section of the TSs is, therefore, that information that the Commission deems essential for the safe operation of the facility that is not already adequately covered by other regulations. Accordingly, the staff has determined that requirements that are not specifically required under 10 CFR 50.36(c)(5), and that are not otherwise necessary for operation of the facility in a safe manner, can be removed from the administrative controls section of TSs.

2.2 Evaluation

The following discussions detail the staff's conclusions regarding the removal or relocation of selected administrative controls from the Monticello TSs. The changes were reviewed in accordance with the guidance provided in, or planned for, the Standard TSs, NUREG-1433. In addition, these changes were reviewed in accordance with the guidance provided in NRC Administrative Letter 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance."

License amendment requests should describe the relocation of each selected requirement to a particular licensee-controlled document or program (e.g., the final safety analysis report or the quality assurance (QA) plan). The description should also address the submittal of the revised documents to the NRC in accordance with the applicable regulation (e.g., 10 CFR 50.71(e)). In the amendment request, the licensee should clearly describe the program it will use to control changes to relocated requirements (e.g., 10 CFR 50.59 or 10 CFR 50.54(q)). Control of the relocated requirements in accordance with the applicable regulation ensures that NRC review and approval will be proposed for changes exceeding the stated regulatory threshold (e.g., a decrease in effectiveness). Reporting requirements may be relocated or removed from the TSs if the reporting requirements are encompassed by 10 CFR 50.72, 10 CFR 50.73, or other regulations, and are not required to be in TSs pursuant to 10 CFR 50.36.

2.3 Procedure Review Requirements of TS Section 6.5

The licensee proposes to relocate the current specific requirements of the section, including the procedure review requirements, to the OQAP. The licensee states that no content changes have been made and the TS requirements will be relocated intact to the OQAP. In the relocation process, minor editorial changes, such as renumbering paragraphs, will be made, but the licensee states that there will be no changes to the frequency, periodicity, duration, or controls for TSs transferred to the OQAP.

Section 13.4, "Operational Review," of NUREG-0800, the "Standard Review Plan" (SRP), provides the acceptance criteria used by the staff to evaluate TS provisions related to the plant staff review of operational activities performed by licensee organizational units fulfilling the

procedure review function. These acceptance criteria are based on meeting the relevant requirements of 10 CFR 50.40(b) as it relates to the licensee being technically qualified to engage in licensed activities, and of Appendix B to 10 CFR Part 50 as it relates to the review functions required by the licensee's QA program. TS provisions associated with the review function satisfy the criteria in both 10 CFR 50.36(c)(5) and Appendix B to 10 CFR Part 50. The Monticello TSs, however, contain administrative details that do not satisfy the TS inclusion criteria of 10 CFR 50.36(c)(2)(ii) and can be relocated to the licensee's QA program description, consistent with NRC Administrative Letter 95-06.

The licensee's proposal is consistent with NRC Administrative Letter 95-06, which provides guidance for relocating TS administrative requirements. This approach would also result in a sufficient level of regulatory control over these provisions while providing for an acceptable change control process under the requirements of 10 CFR 50.54(a)(3). On this basis, the staff has concluded that the procedure review functions identified above are not required to be included in the TSs, and may be relocated to the OQAP.

2.4 TS Section 6.6

The licensee proposes to delete Section 6.6, "Plant Operating Records," and relocate the requirements for plant operating records and record retention to the OQAP. The licensee states that no content changes have been made and the TS requirements will be relocated intact to the OQAP. In the relocation process, minor editorial changes, such as renumbering paragraphs, will be made, but the licensee states that there will be no changes to the frequency, periodicity, duration, or controls for TSs transferred to the OQAP.

The licensee's proposal is consistent with NRC Administrative Letter 95-06, which provides guidance for relocating TS administrative requirements. This approach would also result in a sufficient level of regulatory control over these provisions while providing for an acceptable change control process under the requirements of 10 CFR 50.54(a)(3). On this basis, the staff has concluded that the procedure review functions identified above are not required to be included in the TSs, and may be relocated to the OQAP.

2.5 TS Section 6.7

The licensee proposes to delete Section 6.7.B, "Reportable Events," and relocate the review requirement for reportable events to the OQAP.

The event reporting requirements of TS 6.7.B are redundant to the requirements of 10 CFR 50.73. The requirements of 10 CFR 50.73 need not be repeated in the TSs. The relocation of the review requirements for reportable events to the OQAP is consistent with the guidance of NRC Administrative Letter 95-06. Future changes to the review provisions for reportable events will be controlled pursuant to 10 CFR 50.54(a)(3). Therefore, the proposed change is acceptable.

2.6 SUMMARY - RELOCATION OF TS ADMINISTRATIVE REQUIREMENTS

The staff has evaluated the relocation of some TS administrative controls to the OQAP. Based on this evaluation, the staff has concluded that (1) the proposed relocation of QA-related administrative control provisions from the TSs to the OQAP satisfies 10 CFR 50.36

requirements, conforms to NRC Administrative Letter 95-06 provisions and, once relocated to the OQAP and controlled pursuant to 10 CFR 50.54(a), constitutes the bases for the licensee's continued compliance with the requirements of Appendix B to 10 CFR Part 50; and (2) the proposed revision to the OQAP continues to comply with the criteria of Appendix B to 10 CFR Part 50 in accordance with NUREG-0800 (SRP Sections 13.4 and 17.2).

In conclusion, the existing TS requirements relating to administrative controls that the licensee seeks to relocate are not required to be in the TSs under 10 CFR 50.36 or Section 182a of the Atomic Energy Act, and are governed by other regulations such as 10 CFR Sections 50.40, 50.47, 50.48, 50.54, 50.72, 50.73, and 73.55; Appendices A, B, and E to 10 CFR Part 50; and 10 CFR Parts 20 and 55. Thus, the relocated provisions do not meet the intent of the four criteria described in the Commission's Final Policy Statement and included in 10 CFR 50.36(c)(2). In addition, the staff finds that sufficient regulatory controls exist under 10 CFR 50.59 and 10 CFR 50.54(a) to control future changes to the relocated provisions.

Accordingly, the staff has concluded that these requirements may be relocated from the TSs to the OQAP. The staff concludes that the administrative controls requirements remaining in the TSs are sufficient to satisfy 10 CFR 50.36(c)(5).

3.0 EVALUATION OF REMAINING PROPOSED TS CHANGES

3.1 TS Section 6.5

The licensee proposes to re-title Section 6.5 as, "Procedures," and reword the section to be consistent with NUREG-1433. As noted above, the licensee states that no content changes have been made and the TS requirements will be relocated intact to the OQAP. The staff reviewed the proposed rewording and determined that there was no substantive change and that the wording was consistent with NUREG-1433. Rather than list each specific category of procedure, the licensee proposes to reference the applicable procedures recommended in Regulatory Guide 1.33, Revision 2, Appendix A, February 1978. The proposed rewording is consistent with NUREG-1433, does not change the substantive effect of the provision, is not a reduction in commitment, and is acceptable.

The licensee also proposes to delete the statement regarding conducting drills on the procedures specified for TS 6.5.A.3 and TS 6.5.A.5, since these drills are conducted as part of the operator training and emergency plan training programs. Changes to these programs are controlled pursuant to 10 CFR 50.54(i-1) and (q). The statement is redundant to the requirements of the training programs, and the proposed change is acceptable.

3.2 TS Section 6.1.C

The licensee proposes to add paragraph 8 to the section stating that, "Licensed reactor operators and senior reactor operators shall complete qualification training in accordance with a Commission-approved training program that is based on a systems approach to training and uses a simulation facility that is acceptable to the Commission. This program has been accredited by the National Nuclear Accrediting Board." The proposed addition reflects the replacement of Monticello's licensed operator initial and requalification training programs, previously approved by the NRC, with an accredited systems-approach-to-training program.

The licensee states that the addition is not a reduction in safety or commitment, but provides additional clarification as to the license applicant's qualification, training, and experience.

The proposed change is consistent with NRC Regulatory Information Summary (RIS) 2001-01, "Eligibility of Operator License Applicants," complies with 10 CFR Part 55, and is acceptable.

3.3 TS Section 6.1.D

The licensee proposes to replace the word, "unit," with "site," and insert a statement that, "licensed reactor operators and senior reactor operators shall meet the requirements of Specification 6.1.C.8."

The replacement of "unit" with "site" provides consistency with the terminology used elsewhere in Monticello TSs, procedures, documents, and safety analyses, and is acceptable. The additional statement requiring that licensed operators meet the conditions of TS 6.1.C.8 is consistent with the guidance of RIS 2001-01, complies with 10 CFR Part 55, and is acceptable.

3.4 Table of Contents

The licensee proposes to revise the Table of Contents to re-title Section 6.5 as, "Procedures," and reflect that Section 6.6 has been deleted. The changes are consistent with the proposed TS revisions noted in this safety evaluation and are acceptable.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes recordkeeping, reporting, or administrative procedures or requirements. 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 (66 FR 48290). 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 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.

Principal Contributor: F. Lyon

Date: October 30, 2001