

50-413/414



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

WASHINGTON, D.C. 20555-0001

July 6, 1998

Mr. Gary R. Peterson
Site Vice President
Catawba Nuclear Station
Duke Energy Corporation
4800 Concord Road
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**SUBJECT: CATAWBA NUCLEAR STATION - AMENDMENT 23 TO THE DUKE
ENERGY CORPORATION TOPICAL REPORT ON QUALITY ASSURANCE
PROGRAM (TAC NOS. M95298 AND M95299)**

Dear Mr. Peterson:

By letter dated May 27, 1997, Duke Energy Corporation (Duke) submitted proposed amendments to the Catawba Nuclear Station, Units 1 and 2, Technical Specifications (TS). The proposed amendments would convert the current TS to be consistent with the Improved Standard TS for Westinghouse nuclear plants (NUREG-1431).

The proposed amendments would, in part, relocate certain administrative control requirements to Duke's quality assurance (QA) program. By letters dated April 8 and May 25, 1998, Duke submitted Amendment 23 to the Duke Topical Report, *Duke-1-A, Quality Assurance Program*, which incorporates the relocated requirements.

The staff has completed its review of the items relocated to Amendment 23 of the QA topical report. The results are set forth in the enclosed safety evaluation. The staff's review is based primarily on the guidance of Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance." For items not specifically addressed by AL 95-06, the staff's review is based on the guidance provided by the Commission's Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors (59 FR 39132) regarding the criteria for TS inclusion.

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The staff concludes that the changes documented in Amendment 23 conform to the requirements of Section 50.36(c)(5). Duke should implement the changes according to a schedule consistent with implementation of the improved TS for Catawba. Subsequent changes to the requirements relocated to the QA topical report will be controlled in accordance with the provisions of 10 CFR 50.54(a).

Sincerely,



Peter S. Tam, Senior Project Manager
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Office of Nuclear Reactor Regulation

Docket Nos. 50-413 and 50-414

Enclosure: As stated

cc w/encl: See next page

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Sincerely,

ORIGINAL SIGNED BY:

Peter S. Tam, Senior Project Manager
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UNITED STATES
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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
AMENDMENT 23 OF THE QUALITY ASSURANCE (QA) PROGRAM TOPICAL REPORT
DUKE ENERGY CORPORATION
CATAWBA NUCLEAR STATION, UNITS 1 AND 2
DOCKET NOS. 50-413 AND 50-414

1.0 INTRODUCTION

By letter dated May 27, 1997, Duke Energy Corporation (DEC/the licensee) submitted proposed license amendments (Reference 1) to convert the current Technical Specifications (TS) for the Catawba Nuclear Station, Units 1 and 2, to be consistent with the Improved Standard TS (ISTS) for Westinghouse nuclear plants (NUREG-1431) (Reference 2). Consistent with the Commission's Final Policy Statement on Technical Specifications Improvements for Power Reactors (Reference 3), many current TS requirements have been transferred from control by TS to control by other mechanisms (e.g., the licensee's NRC-approved quality assurance (QA) program). In support of the proposed amendments, the licensee has submitted Amendment 23 to the DEC Topical Report, *Duke-1-A, Quality Assurance Program* (References 4 and 5), which incorporates the relocated current TS requirements. This safety evaluation reviews the appropriateness and completeness of the current TS requirements that have been relocated to the licensee's QA program.

2.0 BACKGROUND

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

Section 50.36(c)(2) provides, with respect to LCOs, four criteria to be used in determining whether particular items are required to be included in the TS. While the four criteria apply specifically to LCOs, in adopting the revision to the rule (Section 50.36, Reference 6), the Commission indicated that the intent of these criteria can be used to identify the optimum set of TS administrative controls.

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Addressing administrative controls, 10 CFR 50.36(c)(5) states that they "are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure safe operation of the facility in a safe manner." The particular administrative controls to be included in the TS, therefore, are the provisions that the Commission deems essential for the safe operation of the facility that are not already covered by other regulations.

Accordingly, the staff has determined that administrative control requirements that are not specifically required under Section 50.36(c)(5), and that are not otherwise necessary to obviate the possibility of an abnormal situation or an event giving rise to an immediate threat to the public health and safety, may be relocated to more appropriate documents (e.g., Security Plan, Quality Assurance Program (QAP), Emergency Plan), which are subject to regulatory controls. Similarly, while the required content of TS administrative controls is specified in 10 CFR 50.36(c)(5), particular details may be relocated to licensee-controlled documents where Sections 50.54, 50.59, or other regulations provide adequate regulatory control.

NRC Administrative Letter (AL) 95-06 (Reference 7) provides guidance to licensees proposing amendments that relocate administrative controls to NRC-approved QAP descriptions, where subsequent changes are controlled by the established QAP change control process in 10 CFR 50.54(a). AL 95-06 provides specific guidance in the areas of: (1) independent safety engineering group; (2) reviews and audits; (3) procedure review process; and (4) records and record retention. While AL 95-06 guidance is limited to these areas, the QAP may provide a reasonable choice for relocating other TS administrative control requirements that do not satisfy the intent of the criteria for TS inclusion, as discussed previously. The appropriateness of relocating other administrative controls from the TS to the QAP is evaluated on a case-by-case basis.

3.0 EVALUATION

The licensee proposes to relocate certain administrative control requirements from the TS to its NRC-approved QAP description (Reference 8). The proposed relocated requirements are contained in Amendment 23 to the licensee's QA topical report (References 4 and 5), submitted as a nonreduction in commitment, pursuant to Section 50.71(e), in support of the proposed improved TS amendments. Information concerning the items to be relocated from the current TS to the QA topical report is contained in Attachment 2 of Reference 4; marked pages from the STS conversion packages, previously submitted (Reference 1), are included as Attachment 3. The scope of the staff's evaluation is limited to the review of the appropriateness and completeness of the relocated requirements and does not address the adequacy of the QA topical report.

3.1 Safety Review Group

3.1.1 Relocation (Item 61):¹ TS 6.2.3.1 through TS 6.2.3.4 to QAP Section 17.3.3.2.4 (Safety Assessment)

Relocated Requirements: The Safety Review Group satisfies the independent safety engineering (ISE) provisions of NUREG-0737 (Reference 9).

Evaluation: Safety Review Group function, responsibilities, and authority, as specified in the current TS (Reference 1), have been relocated to the QAP. Safety Review Group composition, as revised by license amendments (Reference 11) issued subsequent to submittal of Reference 1, has also been relocated to the QAP. Relocation intact of these requirements to the QAP, where subsequent changes would be controlled pursuant to 10 CFR 50.54(a), is in accordance with the guidance of AL 95-06.

3.1.2 Relocation (Item 62): TS 6.2.3.5 to QAP Section 17.3.2.15 (Records)

Relocated Requirement: Safety Review Group records.

Evaluation: The requirement that these records be maintained has been relocated to QAP Section 17.3.2.15 (the requirement that monthly summary reports of activities be provided to the Manager of Safety Assurance has been relocated to QAP Section 17.3.3.2.4). Relocation intact of these requirements to the QAP, where subsequent changes would be controlled pursuant to 10 CFR 50.54(a), is in accordance with the guidance of AL 95-06.

3.2 Technical Review and Control

3.2.1 Relocation (Items 63, 64, 66, 67, 72, 73): TS 6.5.1, TS 6.5.1.1, TS 6.5.1.3, TS 6.5.1.4, TS 6.5.1.9, TS 6.5.1.10 to QAP Section 17.3.2.14 (Document Control)

Relocated Requirements:

- Program establishment
- Preparation and review of station procedures (TS 6.5.1.1)
- Individuals responsible for procedure review (TS 6.5.1.3)
- Preparation and review of proposed TS changes (TS 6.5.1.4)
- Review of changes to the Process Control Program, Offsite Dose Calculation Manual, and Radwaste System (TS 6.5.1.9)
- Review of the Fire Protection Program and implementing procedures (TS 6.5.1.10)

3.2.2 Relocation (Item 65): TS 6.5.1.2 to QAP Section 17.3.2.2 (Design Control)

¹ Item numbers correspond to those used in Attachment 2 of the licensee's submittal (Reference 4).

Relocated Requirement: Review of proposed modifications.

3.2.3 Relocation (Item 68): TS 6.5.1.5 to QAP Section 17.3.2.10 (Inspection, Test, and Operating Status)

Relocated Requirement: Review of proposed tests and experiments.

3.2.4 Relocation (Items 69, 70, 71): TS 6.5.1.6, TS 6.5.1.7, TS 6.5.1.8 to QAP Section 17.3.2.13 (Corrective Action)

Relocated Requirements:

- Investigation of violations of TS, safety limit violations, and all other reportable events (TS 6.5.1.6)
- Performance of special reviews and investigations (TS 6.5.1.7)
- Review and reporting of unplanned onsite release of radioactive material (TS 6.5.1.8)

3.2.5 Relocation (Item 74): TS 6.5.1.11 to QAP Section 17.3.2.15 (Records)

Relocated Requirement: Station records documenting activities performed under TS 6.5.1 through TS 6.5.10 shall be maintained.

Evaluation: Relocation intact of the requirements for procedure review (Items 63, 64, 66, 67, 72 and 73), review (Items 65 and 68) and records (Item 74) to the QAP, where subsequent changes would be controlled pursuant to 10 CFR 50.54(a), is in accordance with the guidance of AL 95-06.

Concerning the requirements for the performance and reporting of investigations (Items 69, 70, and 71), these administrative control requirements do not satisfy the intent of the criteria for TS inclusion (see Section 2) and are, therefore, candidates for relocation. Relocation intact of these requirements to the QAP description of the licensee's corrective action program is appropriate. Subsequent changes to these requirements would be controlled through the established QAP change control process in 10 CFR 50.54(a).

3.3 Nuclear Safety Review Board (NSRB)

3.3.1 Relocation (Items 75, 77, and 78): TS 6.5.2.1 through TS 6.5.2.8, TS 6.5.2.10a,b to QAP Section 17.3.3.2.1 (NSRB)

Relocated Requirements: The NSRB satisfies the independent review provisions described in N18.7-1976/ANS-3.2 (Reference 10).

3.3.2 Relocation (Items 76, 79): TS 6.5.2.9 and TS 6.5.2.10c to QAP Section 17.3.3.2.3 (Internal Audits)

Relocated Requirements: Audits performed under the cognizance of the NSRB.

Evaluation: The NSRB organization is already described in the licensee's approved QAP description (Reference 8). Relocation intact of the NSRB review, records, and audit requirements to the QAP, where subsequent changes would be controlled pursuant to 10 CFR 50.54(a), is in accordance with the guidance of AL 95-06.

3.4 Reportable Events

Relocation (Item 80): TS 6.6.1b to QAP Section 17.3.2.13 (Corrective Action)

Relocated Requirement: Particular current TS details related to the licensee's internal review process have been relocated to the QAP.

Evaluation: Relocation intact of this review requirement to the QAP, where subsequent changes would be controlled pursuant to 10 CFR 50.54(a), is in accordance with the guidance of AL 95-06.

3.5 Safety Limit Violation

Relocation (Item 81): TS 6.7.1b to QAP Section 17.3.2.13 (Corrective Action)

Relocated Requirements: Safety limit violations are addressed by the Standard Technical Specifications, Chapter 2.2 (Reference 2). Subsequent deletion of the STS requirements for notification, reporting, and reactor restart have been approved by the NRC (Reference 12) on the basis that they are adequately addressed by existing regulations (Sections 50.36, 50.72, and 50.73). Particular current TS details related to the licensee's internal notification and review process have been relocated to the QAP.

Evaluation: These administrative requirements do not satisfy the intent of the criteria for TS inclusion and are, therefore, candidates for relocation. Relocation of these requirements to the QAP description of the licensee's corrective action program is appropriate. Subsequent changes to these requirements would be controlled through the established QAP change control process in 10 CFR 50.54(a).

3.6 Station Operating Procedures

Relocation (Items 82, 83, 84, 85, 86): TS 6.8.1e, h, j, TS 6.8.2, TS 6.8.3 to QAP Section 17.3.2.14 (Document Control)

Relocated Requirements:

- Program implementation procedures for (1) Process Control Program; (2) Technical Review and Control Program; (3) Plant Operations Review Committee (TS 6.8.1e, h, j),
- Review and approval of procedures (TS 6.8.2), and
- Temporary changes to procedures (TS 6.8.3).

Evaluation: Relocation intact of these procedure review requirements to the QAP, where subsequent changes to these provisions would be controlled pursuant to 10 CFR 50.54(a), is in accordance with the guidance of AL 95-06.

3.7 Station Operating Records

Relocation (Items 87, 88, 89): TS 6.10 to QAP Section 17.3.2.15 (Records)

Relocated Requirements: Station records

Evaluation: The QAP list of station records has been updated as necessary to include the records previously listed in the current TS. Retention times for quality assurance records are in accordance with corporate retention policies, which reflect industry codes and standards and regulatory requirements. The licensee's program for collection, storage, and maintenance of QA records conforms to Regulatory Guide 1.88 (Reference 13), with the NRC-approved alternative to the ANSI Standard N45.2.9 fire protection provisions, as described in Table 17-1 of the QAP. Subsequent changes to these requirements would be controlled through the established QAP change control process in 10 CFR 50.54(a).

4.0 CONCLUSIONS

The staff finds the proposed relocation of the TS administrative control requirements to the licensee's QAP to be acceptable. Subsequent changes to these requirements will be controlled through the established QAP change control process in 10 CFR 50.54(a).

5.0 REFERENCES

1. Duke letter (M. S. Tuckman) to the USNRC, "Catawba Nuclear Station, Conversion to the Improved Technical Specifications," May 27, 1997.
2. NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, April 1995.
3. Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors, July 22, 1993 (58 FR 39132).
4. Duke letter (M. S. Tuckman) to the USNRC, "Duke Energy Corporation Nuclear Quality Assurance Plan, Amendment 23," April 8, 1998.
5. Duke letter (M. S. Tuckman) to the USNRC, "Duke Energy Corporation Nuclear Quality Assurance Plan, Supplement to Amendment 23," May 25, 1998.
6. Technical Specifications, July 19, 1995 (60 FR 36957).
7. Administrative Letter 95-06, "Relocation of Technical Specifications Administrative Controls Related to Quality Assurance," December 12, 1995.

8. "Duke Energy Corporation Nuclear Quality Assurance Program, Amendment 21," submitted by Duke letter dated June 6, 1997, subsequently revised by letter dated August 13, 1997.
9. NUREG-0737, Supplement 3, I.B.1.2, "Clarification of TMI Action Plan Requirements," "Independent Safety Engineering Group," October 1980.
10. ANSI N18.7-1976, Section 4.3, "Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants," "Independent Review Program," February 19, 1976.
11. NRC letter (P. S. Tam) to Duke Energy Corporation (G. R. Peterson), "Issuance of Amendments - Catawba Nuclear Station, Units 1 and 2," April 27, 1998.
12. NUREG-1431, Rev 2, Technical Specification Task Force Proposed Change to the Standard Specifications TSTF-05, approved by the NRC on September 5, 1995.
13. Regulatory Guide 1.88, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records, Revision 2, October 1976.

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Dated: July 6, 1998