

January 9, 2002

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555-0001

Subject: **San Onofre Nuclear Generating Station, Units 2 and 3**  
**Docket Nos. 50-361 and 50-362**  
**Proposed Change Number (PCN) 538**  
**Revision to Technical Specification 5.4, "Technical Specifications (TS)**  
**Bases Control"**

Gentlemen:

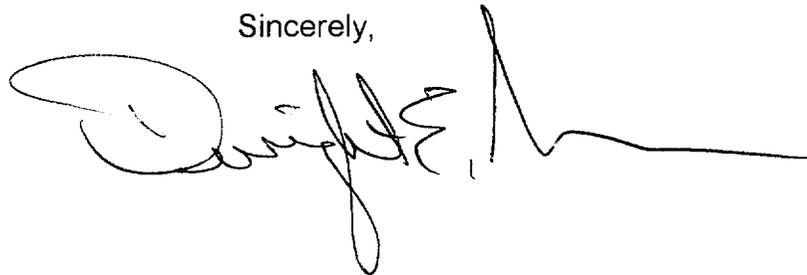
Enclosed are Amendment Application Nos. 212 and 197 to Facility Operating License Nos. NPF-10 and NPF-15 for San Onofre Units 2 and 3, respectively, pursuant to 10 CFR 50.90. The enclosed license amendment requests propose to revise Administrative Controls Technical Specifications 5.4.2 and 5.4.2.b to incorporate the changes made to 10 CFR 50.59.

Southern California Edison (SCE) has evaluated this request under the standards set forth in 10 CFR 50.92(c) and determined that a finding of "no significant hazards consideration" is justified. SCE requests the amendments be implemented within 60 days of approval.

SCE is making no formal commitments that would derive from NRC approval of the proposed amendments.

If you have any questions or require additional information, please contact Mr. Jack Rainsberry at 949-368-7420.

Sincerely,



Enclosures and cc: (See next page)

Enclosures

1. Notarized Affidavits
2. Licensee's Evaluation of the Proposed Change

Attachments:

1. Existing Technical Specification page, Unit 2
2. Existing Technical Specification page, Unit 3
3. Markup of Technical Specification page, Unit 2
4. Markup of Technical Specification page, Unit 3
5. Retyped Technical Specification page, Unit 2
6. Retyped Technical Specification page, Unit 3

- cc: E. W. Merschoff, Regional Administrator, NRC Region IV  
J. N. Donohew, NRC Project Manager, San Onofre Units 2 and 3  
C. C. Osterholtz, NRC Senior Resident Inspector, San Onofre Units 2 and 3  
S. Y. Hsu, Department of Health Services, Radiologic Health Branch

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Application of SOUTHERN CALIFORNIA )  
EDISON COMPANY, ET AL. for a class 103 ) Docket No. 50-361  
License to Acquire, Possess, and Use )  
a Utilization Facility as Part of ) Amendment Application No. 212  
Unit No. 2 of the San Onofre Nuclear )  
Generating Station )

SOUTHERN CALIFORNIA EDISON COMPANY, ET AL. pursuant to 10CFR50.90, hereby submit Amendment Application No. 212. This amendment application consists of Proposed Change No. PCN-538 to Facility Operating License NPF-10. PCN-538 is a request to revise Technical Specification 5.4, "Technical Specifications (TS) Bases Control" to incorporate changes made to 10 CFR 50.59 for San Onofre Nuclear Generating Station Unit 2.

State of California  
County of San Diego

Subscribed and sworn to (or affirmed) before me this 9<sup>th</sup> day of January, 2002.

By: \_\_\_\_\_

Dwight E. Nunn  
Vice President

Mariane Sanchez  
Notary Public



UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

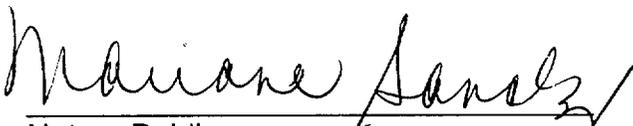
Application of SOUTHERN CALIFORNIA )  
EDISON COMPANY, ET AL. for a class 103 ) Docket No. 50-362  
License to Acquire, Possess, and Use )  
a Utilization Facility as Part of ) Amendment Application No. 197  
Unit No. 3 of the San Onofre Nuclear )  
Generating Station )

SOUTHERN CALIFORNIA EDISON COMPANY, ET AL. pursuant to 10CFR50.90,  
hereby submit Amendment Application No. 197. This amendment application consists  
of Proposed Change No. PCN-538 to Facility Operating License NPF-15. PCN-538 is a  
request to revise Technical Specification 5.4, "Technical Specifications (TS) Bases  
Control" to incorporate changes made to 10 CFR 50.59 for San Onofre Nuclear  
Generating Station Unit 3.

State of California  
County of San Diego

Subscribed and sworn to (or affirmed) before me this 9th day of January, 2002.

By:   
Dwight E. Nunn  
Vice President

  
Notary Public



## ENCLOSURE 2

### LICENSEE'S EVALUATION

SUBJECT: Technical Specification 5.4, "Technical Specifications (TS) Bases Control" to incorporate changes made to 10 CFR 50.59.

1.0 INTRODUCTION

2.0 DESCRIPTION

3.0 BACKGROUND

4.0 TECHNICAL ANALYSIS

5.0 REGULATORY ANALYSIS

5.1 NO SIGNIFICANT HAZARDS CONSIDERATION

5.2 APPLICABLE REGULATORY REQUIREMENTS/CRITERIA

6.0 ENVIRONMENTAL CONSIDERATION

7.0 REFERENCES

## DESCRIPTION AND ASSESSMENT

### 1.0 INTRODUCTION

These proposed License Amendment Requests (LARs) are a request pursuant to 10 CFR 50.90 to revise Technical Specification (TS) 5.4.2 and TS 5.4.2.b, "Technical Specifications (TS) Bases Control Program," to remove the term "unreviewed safety question" for San Onofre Units 2 & 3.

### 2.0 DESCRIPTION

The proposed License Amendments would revise Administrative Controls TS 5.4.2 and 5.4.2.b to incorporate the changes made to 10 CFR 50.59 as published in the Federal Register (Reference 1). The proposed changes would replace the word "involve" with "require" in TS 5.4.2 and revise TS 5.4.2.b to state: "A change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59." In summary, these proposed LARs are a request pursuant to 10 CFR 50.90 to revise TS 5.4.2 and TS 5.4.2.b, "Technical Specifications (TS) Bases Control Program," to remove the term "unreviewed safety question" for San Onofre Units 2 & 3.

### 3.0 BACKGROUND

10 CFR 50.59 establishes the conditions under which licensees may make changes to the facility or procedures and conduct tests or experiments without prior NRC approval.

In 1999, the NRC revised its regulation (Reference 1) controlling changes, tests and experiments performed by nuclear plant licensees. The changes were prompted by the need to resolve differences in interpretations of the rule's requirements by the industry and the NRC that came into clear focus in 1996. The rule change had two principal objectives, both aimed at restoring much needed regulatory stability to this regulation:

- Establish clear definitions to promote common understanding of the rule's requirements and
- Clarify the criteria for determining when changes, tests, and experiments require prior NRC approval.

The changes approved by the Commission in 1999 made 10 CFR 50.59 more focused and efficient by:

- Providing greater flexibility to licensees, primarily by allowing changes that have minimal safety impact to be made without NRC approval and
- Clarifying the threshold for "screening out" changes that do not require full evaluation under 10 CFR 50.59, primarily by adoption of key definitions, and codifying the rule process.

Proposed changes, tests, and experiments that satisfy the definitions and one or more of the criteria in the rule must be reviewed and approved by the NRC before implementation.

The current TS Bases Control Program required by TS 5.4 allows licensees to make a change to the Bases without NRC approval provided the change does not involve "a change to the updated FSAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59." With the revisions to 10 CFR 50.59, the term "unreviewed safety question" was eliminated. Therefore, the TS should be revised to be consistent with the revision to 10 CFR 50.59. The proposed change is described below and is consistent with NRC approved Industry/Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-364, Revision 0 as amended by Westinghouse Owners Group (WOG) editorial change WOG-ED-24, (Reference 2).

#### **4.0 TECHNICAL ANALYSIS**

The proposed changes to TS 5.4.2 are requested as a result of the NRC amending its regulation, 10 CFR 50.59, concerning the authority for licensees of production or utilization facilities, such as nuclear reactors, and independent spent fuel storage facilities, and for certificate holders for spent fuel storage casks, to make changes to the facility or procedures, or to conduct tests or experiments, without prior NRC approval. The final rule clarifies the specific types of changes, tests, and experiments conducted at a licensed facility or by a certificate holder that require evaluation, and revises the criteria that licensees and certificate holders must use to determine when NRC approval is needed before such changes, tests, or experiments can be implemented. The revised regulation eliminates the term "unreviewed safety question," adds definitions for terms that have been subject to differing interpretations, and reorganizes the language of the regulation for clarity.

The proposed changes to TS 5.4.2 to incorporate the NRC approved TSTF-364, Revision 0 as amended by WOG-ED-24 do not have any

impact on Final Safety Analysis Report accident analyses. This change is administrative in nature based on the revision of 10 CFR 50.59.

## **5.0 REGULATORY SAFETY ANALYSIS**

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

Southern California Edison (SCE) has evaluated whether or not a significant hazards consideration is involved with the proposed changes by focusing on the three standards set forth in 10 CFR 50.92 as discussed below:

1. *Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?*

Response: No

The proposed change replaces the word "involve" with "require" and deletes reference to the term "unreviewed safety question" consistent with 10 CFR 50.59. Deletion of the term "unreviewed safety question" was approved by the Nuclear Regulatory Commission (NRC) with the revision to 10 CFR 50.59. Consequently, the probability of an accident previously evaluated is not significantly increased. Changes to the Technical Specification (TS) Bases are still evaluated in accordance with 10 CFR 50.59. As a result, the consequences of any accident previously evaluated are not significantly affected.

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

2. *Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?*

Response: No

The proposed changes do not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing plant operation. These changes are considered administrative changes and do not modify, add, delete, or relocate any technical requirements in the TS.

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

3. *Do the proposed changes involve a significant reduction in a margin of safety?*

Response: No

The proposed changes will not reduce a margin of safety because they have no effect on any safety analyses assumptions. Changes to the TS Bases that result in meeting the criteria in paragraph (c)(2) of 10 CFR 50.59 will still require NRC approval. The proposed changes to TS 5.4.2 are considered administrative in nature based on the revision to 10 CFR 50.59.

Therefore, the proposed changes do not involve a reduction in a margin of safety.

Based on the above evaluations, SCE concludes that the activities associated with the above described changes present no significant hazards consideration under the standards set forth in 10 CFR 50.92 and accordingly, a finding by the NRC of no significant hazards consideration is justified.

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

The regulatory basis for TS 5.4.2 is to ensure a program exists for processing changes to the TS Bases. These changes may or may not require NRC approval when evaluated in accordance with the requirements of 10 CFR 50.59.

10 CFR 50.36(a) requires that the TS have a summary statement of the bases or reasons for such specifications, but shall not become part of the TS. Thus, the Bases are required per this regulation, but are not a part of the TS.

10 CFR 50.36(c)(5) requires that the TS include a category called "Administrative Control," that contains the provisions relating to organization and management, procedures, record keeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

### **Analysis**

The regulatory requirements/criteria continue to be met. Changes to the TS Bases will still be regulated by 10 CFR 50.59.

### Conclusion

The proposed changes are in compliance with 10 CFR 50.36(a), 10 CFR 50.36(c)(5), and 10 CFR 50.59.

## **6.0 ENVIRONMENTAL EVALUATION**

SCE has evaluated the proposed changes and has determined that the changes do not involve (i) a significant hazards consideration, (ii) a significant change in the types or significant increase in the amount of effluent that may be released offsite, or (iii) a significant increase in the individual or cumulative occupational radiation exposure. Accordingly, the proposed change meets eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), an environmental assessment of the proposed changes is not required.

## **7.0 REFERENCES**

1. Federal Register, Vol. 64, No. 191, pg. 53582, "Changes, Tests, and Experiments."
2. Industry/TSTF Standard Technical Specification Change Traveler TSTF-364, "Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59," Rev 0 as amended by WOG ED-24.

**ATTACHMENT 1**

**SAN ONFORE NUCLEAR GENERATING STATION**

**PCN-538**

**EXISTING TECHNICAL SPECIFICATION PAGE, UNIT 2**

5.0 ADMINISTRATIVE CONTROLS

5.4 Technical Specifications (TS) Bases Control

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- 5.4.1 Changes to the Bases of the TS shall be made under appropriate administrative controls.
- 5.4.2 Changes to the Bases may be made without prior NRC approval provided the changes do not involve either of the following:
- a. A change in the TS incorporated in the license; or
  - b. A change to the updated FSAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59.
- 5.4.3 The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the UFSAR.
- 5.4.4 Proposed changes that meet the criteria of (a) or (b) above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC within 6 months following every Unit 3 refueling, not to exceed 24 months. This schedule is consistent with SCE's submittal of UFSAR updates as allowed by the NRC approved exemption from 10 CFR 50.71(e) dated April 27, 1999.
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**ATTACHMENT 2**

**SAN ONOFRE NUCLEAR GENERATING STATION**

**PCN-538**

**EXISTING TECHNICAL SPECIFICATION PAGE, UNIT 3**

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**ATTACHMENT 3**

**SAN ONOFRE NUCLEAR GENERATING STATION**

**PCN-538**

**MARKUP OF TECHNICAL SPECIFICATION PAGE, UNIT 2**

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**ATTACHMENT 4**

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**PCN-538**

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**ATTACHMENT 5**

**SAN ONOFRE NUCLEAR GENERATING STATION**

**PCN-538**

**RETYPE TECHNICAL SPECIFICATION PAGE, UNIT 2**

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**ATTACHMENT 6**

**SAN ONOFRE NUCLEAR GENERATING STATION**

**PCN-538**

**RETYPE TECHNICAL SPECIFICATION PAGE, UNIT 3**

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