

October 2, 2002

Mr. Mark A. Peifer
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
(TAC NO. MB4269)

Dear Mr. Peifer:

The Commission has issued the enclosed Amendment No. 248 to Facility Operating License No. DPR-49 for the Duane Arnold Energy Center. The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated February 8, 2002, as supplemented June 21, 2002.

The amendment changes TS Section 5.0 to be consistent with Technical Specifications Task Force Change No. 258, Revision 4.

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

Sincerely,

/RA/

Darl S. Hood, Senior 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. 248 to DPR-49
2. Safety Evaluation

cc w/encls: See next page

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DISTRIBUTION

PUBLIC	OGC	GGrant, RIII	DDesaulniers
PDIII-1 Reading	ACRS	GWilson, SRI	RPelton
LRaghavan	WBeckner	THarris	
DHood	GHill(2)	TTjader	

*See previous concurrence

ADAMS Accession No.: ML022470339

**No legal objection with comment in SE

OFFICE	PDIII-1/PM	PDIII-1/LA	IEHB/SC	RTSB/SC	OGC**	PDIII-1/SC
NAME	DHood	THarris	TQuay	*RDenning	BSmith	JStang for LRaghavan
DATE	09/17/02	09/17/02	09/17/02	09/05/02	09/19/02	10/01/02

OFFICIAL RECORD COPY

Duane Arnold Energy Center

cc:

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NUCLEAR MANAGEMENT COMPANY, LLC

DOCKET NO. 50-331

DUANE ARNOLD ENERGY CENTER

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 248

License No. DPR-49

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nuclear Management Company, LLC (the licensee), dated February 8, 2002, as supplemented by letter dated June 21, 2002, 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-49 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 248 , are hereby incorporated in the license. NMC 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.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA by JStang for/

L. Raghavan, 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 2, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 248

FACILITY OPERATING LICENSE NO. DPR-49

DOCKET NO. 50-331

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

5.0-4
5.0-10
5.0-20
5.0-22
5.0-23

INSERT

5.0-4
5.0-10
5.0-20
5.0-22
5.0-23
5.0-24
5.0-25

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 248 FACILITY OPERATING LICENSE NO. DPR-49

NUCLEAR MANAGEMENT COMPANY, LLC

DUANE ARNOLD ENERGY CENTER

DOCKET NO. 50-331

1.0 INTRODUCTION

By application dated February 8, 2002, as supplemented by letter dated June 21, 2002, the Nuclear Management Company, LLC (NMC or the licensee) requested an amendment to the operating license to change the Technical Specifications (TSs) for the Duane Arnold Energy Center (DAEC). NMC's supplemental letter dated June 21, 2002, corrected the application by retaining existing information in DAEC's TS 5.2.2a regarding unit staff organization and provided additional information in support of the initial application. The supplemental letter did not expand the scope of the application as originally noticed, and did not affect the U.S. Nuclear Regulatory Commission's (NRC's) original proposed no significant hazards consideration determination as published in the *Federal Register* on April 2, 2002 (67 FR 15625).

The proposed amendment would make several changes to DAEC TS Section 5, Administrative Controls, to incorporate portions of Technical Specification Task Force (TSTF) Item TSTF-258, Revision 4. Specifically:

In TS 5.2.2.f , "Organization--Unit Staff," the specific title of "Shift Technical Advisor (STA)" would be changed to "individual" (i.e., the requirements for the STA as a separate position would be deleted but that function would be retained);

In TS 5.5.4, "Program and Manuals--Radioactive Effluent Controls Program," editorial changes would be made to adopt wording consistent with 10 CFR Part 20. The changes to TS 5.5.4 would also invoke TS Surveillance Requirement (SR) 3.0.2 (which permits a 25 percent extension of the interval (31 days) specified in the frequency) and associated SR 3.0.3 as being applicable to the Radioactive Effluent Controls Program surveillance frequencies;

In TS 5.6.4, "Monthly Operating Reports," the requirement to document main steam safety/relief valve challenges in the monthly operating reports would be deleted; and

In TS 5.7, "High Radiation Area," the text would be revised to agree with 10 CFR 20.1601(c) (i.e., the existing TS would be completely replaced by Insert F from TSTF-258, Revision 4).

2.0 REGULATORY EVALUATION

NMC requested the proposed changes in accordance with Sections 2.101, "Filing of application," 50.59, "Changes, tests, and experiments," and 50.90, "Application for amendment of license or construction permit," of Title 10 of the Code of Federal Regulations (10 CFR) to incorporate portions of TSTF-258, Revision 4, into DAEC's TS 5.0, "Administrative Controls." The NRC staff approved TSTF-258, Revision 4, in its letter to Mr. J. Davis of the Nuclear Energy Institute dated June 29, 1999. Therefore, NMC's application for license amendment constitutes a request for TS changes, to the extent applicable to DAEC, that the NRC staff has previously approved generically for the General Electric Standard Technical Specifications, NUREG-1433.

3.0 TECHNICAL EVALUATION

The proposed changes to DAEC's TS 5.0, outlined in TSTF-258, Revision 4, are evaluated below:

3.1 Changes to TS 5.2.2.g

TS 5.2.2.g currently states that:

The Shift Technical Advisor (STA) shall provide advisory technical support to the shift via the Operations Shift Manager in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. In addition, the STA or the individual filling the STA position shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift. The STA function is not required in MODES 4 and 5.

NMC proposes that TS 5.2.2.g be changed to delete requirements for the STA as a separate position, but to retain the function. The revised TS 5.2.2.g would state:

An individual shall provide advisory technical support to the Unit Operation's shift crew in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. This individual shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift. This function is not required in MODES 4 and 5.

In the above change, NMC has requested that the title "STA" be replaced by the term "individual" so that it is not implied that the STA and the Shift Supervisor must be different individuals. NMC notes that Option 1 of the Commission Policy Statement on Engineering Expertise on Shift, published in the Federal Register (50 FR 43621) on October 28, 1985, can be satisfied by assigning an individual with specified educational qualifications to each operating crew as one of the Senior Reactor Operators that 10 CFR 50.54(m)(2)(i) requires to provide the technical expertise on shift. NMC states that, to avoid misinterpreting the existing text so as to require separate individuals, the wording is changed so that the STA function may be provided by either a separate individual or the individual who also fulfills another role in the shift command structure.

The NRC staff finds that, consistent with the Policy Statement, NMC has requested a change that would allow either a stand-alone STA or a dual-role STA. NMC stated in its letter dated February 8, 2002, that an individual serving in the dual role position would be “an individual who also fulfills another role in the shift command structure.” The NRC staff notes that in order to be in the shift command structure, that individual would have to be licensed at the senior operator level. Therefore, the NRC staff finds NMC’s requested change to be consistent with the Policy Statement. The NRC staff also finds the revised text for TS 5.2.2.g to be consistent with TSTF-258, Revision 4. It is, therefore, acceptable.

3.2 Changes to TS 5.5.4

After issuing Generic Letter 89-01, the Commission updated 10 CFR Part 20, “Standards For Protection Against Radiation.” Minor changes of an administrative nature are proposed to DAEC’s TS 5.5.4 on the Radioactive Effluent Controls Program to be consistent with the revised text and terminology of 10 CFR Part 20. Specifically, in subparagraph g, these minor changes clarify that the specified limitations on dose rates are in reference to “radioactive material released in gaseous effluents from the site to areas at or beyond the site boundary” (underlining added to denote added text), and that the limitation for noble gases refers to the “whole” body rather than the “total” body (i.e., since this limitation is based upon the dosimetry of the International Committee on Radiation Protection 2, the appropriate term is “whole” body). Similarly, the minor change to TS 5.5.4.j clarifies that the limitations on the annual dose or dose commitment to any member of the public due to releases of radioactivity and to radiation from uranium fuel cycle sources is in reference to “beyond the site boundary.”

Additionally, TS 5.5.4 is supplemented to add that “The provisions of SR [Surveillance Requirement] 3.0.2 and SR 3.0.3 are applicable to the Radioactive Effluent Controls Program surveillance frequency. This addition provides scheduling flexibility. SR 3.0.2 permits a 25 percent extension of the interval specified in the Frequency (31 days). Allowing a 25 percent extension in the frequency of performing the monthly cumulative dose and projected dose calculation for the current quarter/year has no affect upon the outcome of the calculations. SR 3.0.3 is added in association with SR 3.0.2 to maintain consistency within the TS application.

The NRC staff finds that the proposed changes to DAEC’s TS 5.5.4 are consistent with 10 CFR Part 20. The changes are also consistent with TSTF-258, Revision 4. Therefore, they are acceptable.

3.3 Changes to TS 5.6.4

Under cover of a letter dated July 10, 1981, the NRC issued an “Order Confirming Licensee Commitments On Post-[Three Mile Island] TMI Related Issues” addressing the licensees’ commitments and implementation schedules for requirements contained in NUREG-0737, “Clarification of TMI Action Plan Requirements” dated November 1980. These NUREG 0737 requirements included Item II.K.3.3, “Reporting [Safety Valve] SV & [Relief Valve] RV Failures & Challenges,” for which the Order reflected the DAEC licensee’s implementation schedule of January 1, 1981, to “[s]ubmit report (historical and annually thereafter) of SRV/SV failures and challenges.” In Amendment 96, the DAEC licensee had committed to the annual reporting of challenges to safety/relief valves in accordance with Item II.K.3.3. In subsequent Amendment No. 223 (converting DAEC to the improved Standard Technical Specification’s format), the reporting requirement was revised to be included in the monthly operating report. Accordingly,

the licensee's request to delete the reporting requirement represents a withdrawal of the prior commitment to Item II.K.3.3.

In Generic Letter 97-02, "Revised Contents of the Monthly Operating Report," the NRC identified information licensees should include in a monthly report to support the NRC Performance Indicator Program (and availability and capacity statistics). The specified information did not include challenges to the safety and relief valves. Thus, as shown in TSTF-258, Revision 4, information on safety/relief valve challenges need not be reported.

The NRC staff finds that the proposed change to DAEC's TS 5.6.4 to delete the requirement to document all challenges to the main steam safety/relief valves is consistent with GL 97-02 and TSTF-258, Revision 4. Therefore, the proposed change, and the licensee's withdrawal of its prior commitment to Item II.K.3.3., is acceptable.

3.4 Changes to TS 5.7

The Commission's regulations, at 10 CFR 20.1601(c), provides that a licensee may apply to the Commission for approval of alternative methods for controlling access to high radiation areas. TSTF-258, Revision 4, revises TS 5.7 in accordance with 10 CFR 20.1601(c) and updates the acceptable alternate controls to those specified in 10 CFR 20.1601(a) and (b). Specifically, Insert F of TSTF-258, Revision 4, specifies acceptable controls to be applied to high radiation areas in place of the controls required by 10 CFR 20.1601(a) and (b).

The NRC staff finds that NMC proposes to replace all of DAEC's TS 5.7 with Insert F of TSTF-258, Revision 4. Insert F specifies controls that the NRC staff has found to be acceptable in accordance with 10 CFR 20.1601(c). Therefore, this proposed change 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 a requirement with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. This amendment also relates to changes in recordkeeping, reporting, or administrative procedures or requirements. 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 (67 FR 15625). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9) and (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: D. Hood

Date: October 2, 2002