

April 13, 2004

MEMORANDUM TO: Lakshminaras Raghavan, Chief
Project Directorate III-1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

FROM: Robert J. Lewis, Chief
Transportation and Storage Safety
and Inspection Section /RA/
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

SUBJECT: REVIEW OF NUCLEAR MANAGEMENT COMPANY QUALITY
ASSURANCE TOPICAL REPORT SUBMITTAL

In an e-mail from David Beaulieu on December 12, 2003, NMSS was requested to assist NRR in reviewing a submittal by Nuclear Management Company, LLC, (NMC) requesting NRC approval of the NMC Quality Assurance Topical Report (QATR). Specifically, NMSS was requested to provide input regarding the licensee's request to apply the Appendix B QATR to 10 CFR 71 and 10 CFR 72 activities.

SFPO has reviewed the NMC submittal and identified the following issue that should be addressed in NRR's planned Request for Additional Information:

Clarify how 10 CFR 71 and 10 CFR 72 recordkeeping requirements will be satisfied.

Section A.7.3 of the QATR states, "NMC complies with position C.2 [of Regulatory Guide 1.28, Revision 3] for record retention times." Section B.15, second paragraph, states "NMC uses the list of records in Non-mandatory Appendix 17A-1, supplemented by the recommended retention times established in Regulatory Guide 1.28, position C.2 (Table 1), to establish the types of records that will be created and retained in support of plant operation." Section B.15, third paragraph, states "In establishing provisions for records, NMC commits to compliance with NQA-1, 1994, Basic Requirement 17 and Supplement 17S-1." Position C.2 and Supplement 17S-1 do not appear to satisfy the requirements of 10 CFR 71.135 and 10 CFR 72.174. For example, 10 CFR 71.135 requires the licensee to retain records "for 3 years beyond the date when the licensee last engages in the activity for which the quality assurance program was developed," and 10 CFR 72.174 requires "records must include closely related data such as qualifications of personnel, procedures, and equipment" and "must be maintained...until the NRC terminates the license or CoC."

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SFPO has the following comments regarding approval of the QATR for 10 CFR 71 and 10 CFR 72 activities:

1. In accordance with 10 CFR 71.101(f), a previously approved Appendix B QA program is accepted as satisfying the requirements of Part 71 if the program is established, maintained, and executed with regard to transport packages. SFPO issues separate written approval of QA programs applied to Part 71 activities. If the NMC QATR is approved by NRC, SFPO will issue amendments to the Part 71 QA program approvals for each of the six NMC plants. NRR and NMSS should coordinate issuance of the Part 50 approval and the Part 71 approval amendments.
2. In accordance with 10 CFR 72.140(d), a previously approved Appendix B QA program is accepted as satisfying the requirements of Part 72 if the program also meets the recordkeeping requirements of 10 CFR 72.174. SFPO does not issue a separate written approval of the QA program for Part 72 activities by general licensees. Duane Arnold, Palisades, and Point Beach are general licensees for whom the NMC QATR would apply. Applicants for a Part 72 specific license are required to submit a QA program description in their SAR, which is reviewed and “accepted” by SFPO in the corresponding SER. Prairie Island is a specific licensee whose ISFSI SAR states their NRC-approved Northern States Power Appendix B QA program is applied to Part 72 activities as allowed by 10 CFR 72.140(d). The NMC QATR would replace the Northern States Power program and a change to the Prairie Island SAR would be required.

SFPO has the following comments regarding approval of the QATR for 10 CFR 71 and 10 CFR 72 activities:

1. In accordance with 10 CFR 71.101(f), a previously approved Appendix B QA program is accepted as satisfying the requirements of Part 71 if the program is established, maintained, and executed with regard to transport packages. SFPO issues separate written approval of QA programs applied to Part 71 activities. If the NMC QATR is approved by NRC, SFPO will issue amendments to the Part 71QA program approvals for each of the six NMC plants. NRR and NMSS should coordinate issuance of the Part 50 approval and the Part 71 approval amendments.

2. In accordance with 10 CFR 72.140(d), a previously approved Appendix B QA program is accepted as satisfying the requirements of Part 72 if the program also meets the recordkeeping requirements of 10 CFR 72.174. SFPO does not issue a separate written approval of the QA program for Part 72 activities by general licensees. Duane Arnold, Palisades, and Point Beach are general licensees for whom the NMC QATR would apply. Applicants for a Part 72 specific license are required to submit a QA program description in their SAR, which is reviewed and "accepted" by SFPO in the corresponding SER. Prairie Island is a specific licensee whose ISFSI SAR states their NRC-approved Northern States Power Appendix B QA program is applied to Part 72 activities as allowed by 10 CFR 72.140(d). The NMC QATR would replace the Northern States Power program and a change to the Prairie Island SAR would be required.

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