

July 23, 2004

Mr. R. T. Ridenoure  
Division Manager - Nuclear Operations  
Omaha Public Power District  
Fort Calhoun Station FC-2-4 Adm.  
Post Office Box 550  
Fort Calhoun, NE 68023-0550

SUBJECT: FORT CALHOUN STATION, UNIT NO. 1 - ISSUANCE OF AMENDMENT RE:  
VARIOUS ADMINISTRATIVE AND EDITORIAL CHANGES (TAC NO. MC1535)

Dear Mr. Ridenoure:

The Commission has issued the enclosed Amendment No. 228 to Renewed Facility Operating License No. DPR-40 for the Fort Calhoun Station, Unit No. 1. The amendment consists of changes to the Technical Specifications (TS) in response to your application dated December 1, 2003, and its supplement dated February 9, 2004.

The amendment revises the following TSs: (1) Item 14 of Table 3-3, "Minimum Frequencies for Checks, Calibrations and Testing of Miscellaneous Instrumentation and Controls," regarding testing of the nuclear detector well cooling annulus exit air temperature detectors, (2) Item 10a.2 of Table 3-5, "Minimum Frequencies for Equipment Tests," correcting a typographical error in the title, (3) TS 3.17(5)(iii), "Steam Generator Tubes," (4) TS 5.5, "Review and Audit," (5) TS 5.6, "Reportable Event Action," (6) TSs 5.7.1.b, 5.7.1.c, and 5.7.1.d, "Safety Limit Violation," (7) TS 5.9.1.a, "Startup Report," and (8) TS 5.9.4.c, "Fire Protection Program Deficiency Report." These changes to the Fort Calhoun Station TSs consist primarily of relocating material not required in the TSs to other licensee-controlled documents and correcting a typographical error.

A copy of the related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

**/RA/**

Alan B. Wang, Project Manager, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-285

Enclosures: 1. Amendment No. 228 to DPR-40  
2. Safety Evaluation

cc w/encls: See next page

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OMAHA PUBLIC POWER DISTRICT

DOCKET NO. 50-285

FORT CALHOUN STATION, UNIT NO. 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 228  
License No. DPR-40

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by the Omaha Public Power District (the licensee) dated December 1, 2003, and its supplement dated February 9, 2004, 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 license 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, Renewed Facility Operating License No. DPR-40 is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 3.B. of Facility Operating License No. DPR-40 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 228, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. The license amendment is effective as of its date of issuance and shall be implemented within 120 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION  
**/RA/**

Stephen Dembek, Chief, Section 2  
Project Directorate IV  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical  
Specifications

Date of Issuance: July 23, 2004

ATTACHMENT TO LICENSE AMENDMENT NO. 228

RENEWED FACILITY OPERATING LICENSE NO. DPR-40

DOCKET NO. 50-285

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 vertical lines indicating the areas of change.

REMOVE

3.1 - Page 17  
3.2 - Page 7  
3.17 - Page 7  
3.17 - Page 10  
5.0 - Page 4  
5.0 - Page 5  
5.0 - Page 6  
5.0 - Page 7  
5.0 - Page 8

INSERT

3.1 - Page 17  
3.2 - Page 7  
3.17 - Page 7  
3.17 - Page 10  
5.0 - Page 4  
5.0 - Page 5  
5.0 - Page 6  
5.0 - Page 7  
5.0 - Page 8

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 228 TO RENEWED FACILITY

OPERATING LICENSE NO. DPR-40

OMAHA PUBLIC POWER DISTRICT

FORT CALHOUN STATION, UNIT NO. 1

DOCKET NO. 50-285

1.0 INTRODUCTION

By application dated December 1, 2003, and its supplement dated February 9, 2004, Omaha Public Power District (OPPD) requested changes to the Technical Specifications (TSs) (Appendix A to Renewed Facility Operating License No. DPR-40) for the Fort Calhoun Station, Unit No. 1 (FCS). The proposed amendment will revise the following TSs: (1) Item 14 of Table 3-3, "Minimum Frequencies for Checks, Calibrations and Testing of Miscellaneous Instrumentation and Controls," regarding testing of the nuclear detector well cooling annulus exit air temperature detectors, (2) Item 10a.2 of Table 3-5, "Minimum Frequencies for Equipment Tests," correcting a typographical error in the title, (3) TS 3.17(5)(iii), "Steam Generator Tubes," (4) TS 5.5, "Review and Audit," (5) TS 5.6, "Reportable Event Action," (6) TSs 5.7.1.b, 5.7.1.c, and 5.7.1.d, "Safety Limit Violation," (7) TS 5.9.1.a, "Startup Report," and (8) TS 5.9.4.c, "Fire Protection Program Deficiency Report." These changes to the FCS TSs consist primarily of relocating material not required in the TSs to other licensee-controlled documents and correcting a typographical error.

The supplemental letter dated February 9, 2004 provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on March 2, 2004 (69 FR 9863).

2.0 REGULATORY EVALUATION

The staff finds that the licensee in Section 4.0 of its submittal identified the applicable regulatory requirements. The regulatory requirements for which the staff based its acceptance are in 10 CFR 50.36, for which the Commission established its regulatory requirements related to the content of TSs. Pursuant to 10 CFR 50.36, TSs are required to include items in the following five specific categories related to plant operation: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation (LCO); (3) surveillance requirements (SR); (4) design features; and (5) administrative controls. Section 50.36(c)(2)(iii)(3), "Surveillance requirements," are requirements related to test, calibration, or inspection to ensure that the necessary quality of systems and components is maintained, that facility operation will be within the safety limits and that the LCO will be met. Section 50.36(c)(2)(iii)(5), "Administrative controls," are the provisions relating to organization and

management, procedures, recordkeeping, review and audit, and reporting necessary to ensure safe operation of the facility.

### 3.0 TECHNICAL EVALUATION

The staff has reviewed the licensee's regulatory and technical analyses in support of its proposed license amendment which are described in Sections 4.0 and 5.0 of the licensee's submittal. The detailed evaluation below will support the conclusion 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.

The TSs to be revised by the proposed amendment include the following topics. The nuclear detector well cooling annulus exit air temperature detectors SR (Table 3.3, Item 14) relocation is proposed as a conforming change to Amendment 214 issued January 16, 2003, that relocated the LCO requirements for this instrument to a licensee-controlled document. The administrative control TS changes related to Reportable Event Action (TSs 5.6 and 5.9.2), steam generator (SG) tubes (TS 3.17(5)(iii)), and fire protection program deficiency report (TS 5.9.4.c) eliminate provisions that are contained in the regulations. The administrative control TS changes related to startup report (TS 5.9.1.a) eliminate quality assurance provisions that are unrelated to operation of the facility. The administrative control TS changes related to review and audit (TS 5.5) and safety limit violation (TSs 5.7.1.b, 5.7.1.c and 5.7.1.d) eliminate provisions related to quality assurance regulations for operation of the facility. The editorial change corrects the spelling of "laboratory."

#### Changes Related to Relocating TSs

Section 50.36, does not, however, specify the particular requirements to be included in a plant's TSs. The NRC developed criteria, as described in the "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" (58 FR 39132), to determine which of the design conditions and associated surveillances should be located in the TSs as LCOs. Four criteria, specified in 10 CFR 50.36(c)(2)(ii)(A) through (D), were subsequently incorporated into the regulations by an amendment to 10 CFR 50.36 (60 FR 36953).

The Commission's Final Policy Statement and documentation related to the revision of 10 CFR 50.36 acknowledged that implementation of these criteria may cause some requirements presently in TSs to be moved out of existing TSs to documents and programs controlled by licensees. The staff review includes an assessment that appropriate controls exist to ensure future changes to relocated TSs will be adequately controlled.

#### Changes Not Related to Relocating TSs

Applying the Commission's Final Policy Statement criterion to identify design conditions and associated surveillances to be retained in standard technical specifications (STS) as LCOs resulted in the improved STS (NUREGs 1430-1434). Licensees may, over time, voluntarily

make changes to take advantage of the evolution in policy and guidance as to the required content and preferred format of TSs.

The NRC encourages licensees to use the improved STS as the basis for complete revisions to their TSs; however, Commission policy also recognizes selective incorporation of improved STS requirements may occur by noting that "licensees may adopt portions of the improved STS without fully implementing all STS improvements."

In general, the licensee cannot justify TS changes solely on the basis of adopting the model STS. Changes that result in relaxation (less restrictive conditions) of TS requirements require detailed justification. OPPD, in electing to implement TS changes modeled on STS, proposed a number of requirements which are less restrictive. When requirements have been shown to give little or no safety benefit, their relaxation or removal from the TSs may be appropriate. For changes not related to relocating TSs to licensee-controlled documents, the staff makes a determination that the proposed changes are consistent with licensing practices, the Commission's regulations, and that the proposed changes maintain adequate safety. OPPD also proposes non-technical (administrative) TS changes intended to correct a typographical error.

For TS changes not related to relocating instrumentation SRs to licensee-controlled documents, the staff made use of applicable regulatory guidance which includes the following:

- TS changes related to the preferred format for TSs use model TSs contained in the improved STS NUREG-1432, "Standard Technical Specifications, Combustion Engineering Plants," Revision 2, dated June 2001.
- TS SR changes to Section 3/4.3 are in accordance with 10 CFR 50.36(c)(2)(iii)(3), "Surveillance requirements."
- TS administrative controls are in accordance with 10 CFR 50.36(c)(2)(iii)(5), "Administrative controls."

The OPPD application proposes to relocate instrumentation SRs and to use the STS guidance for establishing the preferred content of administrative control provisions by selectively eliminating provisions that are not required to ensure operation of the facility in a safe manner.

#### Relocating Surveillance Requirements

- Nuclear Detector Well Cooling Annulus Exit Air Temperature Detector SRs (TS Table 3-3, Item 14)

The nuclear detector well cooling annulus exit air temperature detectors SRs are to be relocated to the Updated Safety Analysis Report (USAR). The nuclear detector well cooling annulus exit air temperature detectors are used to cool the air in the annulus between the reactor vessel and the biological shield. This cooling ensures that the concrete in the biological shield does not overheat. Overheating could cause a reduction in concrete strength through a loss of moisture. The annulus exit air temperature from the nuclear detector cooling system should not exceed a temperature that correlates to 150°F concrete temperature.

OPPD proposes to relocate SRs as a conforming change to Amendment 214 issued January 16, 2003, which relocated the LCO requirements for this instrument (TS 2.1.3) to the USAR, a licensee-controlled document. OPPD compared the nuclear detector well cooling annulus exit air temperature detectors TS SRs with the screening criteria of 10 CFR 50.36(c)(2)(ii) to determine if present requirements can be moved out of existing TSs to documents and programs controlled by the licensee. The evaluation concluded the following:

#### Criterion 1

The nuclear detector cooling system is not an instrumentation system that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.

#### Criterion 2

The nuclear detector cooling system is not 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 challenge to the integrity of a fission product barrier.

#### Criterion 3

The nuclear detector cooling system is not 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.

#### Criterion 4

The FCS probabilistic safety assessment does not address the nuclear detector cooling system. This system is considered to be a non-risk contributor to the core damage frequency and offsite releases.

OPPD concluded that since the screening criteria have not been satisfied, the nuclear detector cooling system requirements may be relocated to licensee-controlled documents outside the TSs. Furthermore, OPPD will relocate the SRs to the FCS USAR. The regulations of 10 CFR 50.59 apply to controlling the changes to the FCS USAR, including the nuclear detector cooling system SRs (Item 14 of TS Table 3-3) that are relocated to the USAR.

The staff agrees with the licensee's assessment noted above. The relocated TSs are not required to be in the TSs under 10 CFR 50.36 and do not meet any of the four criteria in the Final Policy Statement. They are not needed to obviate the possibility that an abnormal situation or event will give rise to an immediate threat to the public health and safety.

In addition, the staff finds that sufficient regulatory controls exist under the regulations to maintain the effect of the provisions in these TSs. The facility and procedures described in the USAR can only be revised in accordance with the provisions of 10 CFR 50.59, which ensures records are maintained and establishes appropriate control over requirements removed from TSs and over future changes to the requirements. The documentation of these changes will be

maintained by the licensee as required by 10 CFR 50.59. The submittal of the updated licensee-controlled documents (e.g., USAR) to the Commission will be as required by, and in accordance with, 10 CFR 50.71(e) for the USAR. These changes to instrumentation TS provisions will reduce an unnecessary burden and the staff finds them acceptable.

#### Less Restrictive Technical Specification Changes

Less restrictive requirements include deletions and relaxations to portions of TS requirements that are not being retained in the TSs or relocated to a licensee-controlled document. When requirements have been shown to give little or no safety benefit, their relaxation or removal from the TSs may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (1) generic NRC actions, (2) new staff positions that have evolved from technological advancements and operating experience, or (3) resolution of the Owners Groups' comments on the STS. The staff reviewed generic relaxations contained in the STS and found them acceptable because they are consistent with current licensing practices and the Commission's regulations.

- Reportable Event Action (TSs 5.6.1.a and 5.6.1.c), Reportable Event (TS 5.9.2)

The requirements of TSs 5.6.1.a, 5.6.1.c, and 5.9.2 (reportable event notification requirements) are to be removed from the TSs. TSs 5.6.1.a, 5.6.1.c and 5.9.2 require, in the case of a reportable event, that the Commission be notified and a report submitted pursuant to the requirements of 10 CFR 50.72 and 50.73. The requirements of TSs 5.6.1.a, 5.6.1.c and 5.9.2 are contained in 10 CFR 50.72 and 50.73; therefore, there is no need to repeat these requirements in the TSs. These administrative control TS changes reduce regulatory burden by eliminating unnecessary reference to regulations in the TSs. Operation of the facility in a safe manner is ensured because the staff finds that sufficient regulatory controls exist under the regulations to maintain the effect of the provisions in these TSs. Therefore, the staff finds them acceptable.

- Steam Generator Tubes Surveillance Requirements (TS 3.17(5)(iii))

The requirements of TS 3.17(5)(iii) are to be removed from the TSs and the associated Bases are to be updated with the same change. TS 3.17(5)(iii) requires that results of SG tube inspections, which fall into Category C-3 and require prompt notification of the Commission, shall be reported pursuant to Section 5.6 of the TSs (Reportable Event Action) before resumption of plant operation.

The removal of Section 5.6 from the TSs is done for consistency since the requirements of 10 CFR 50.72 and 50.73 are required to be met by the FCS operating license.

The requirements of TS 3.17(5)(iii) are contained in 10 CFR 50.72 and 10 CFR 50.73 and, therefore, there is no need to repeat these requirements in the technical specifications. The licensee commits to reporting serious SG tube degradation meeting the criteria for a seriously degraded principal safety barrier as discussed in NUREG-1022, "Event Reporting Guidelines, 10 CFR 50.72 and 50.73, Rev. 2," Sections 3.2.4(A)(3)(a) and 3.2.4(A)(3)(b). These administrative control TS changes reduce regulatory burden by

eliminating unnecessary reference to regulations in the TSs. Operation of the facility in a safe manner is ensured because the staff finds that sufficient regulatory controls exist under the regulations to maintain the effect of the provisions in these TSs. Therefore, the staff finds them acceptable.

- Fire Protection Program Deficiency Report (TS 5.9.4.c)

The reporting requirements of TS 5.9.4.c are to be removed from the TSs. TS 5.9.4.c specifies that deficiencies in the fire protection program described in the USAR, which meet the reportability requirements of 10 CFR 50.73 shall be reported pursuant to TS 5.9.2 (10 CFR 50.73, Reportable Event). Fire protection program requirements are specified in License Condition 3.D. By placing TS 5.9.4.c details in plant procedures, consistency is established with the requirements of License Condition 3.D since the requirements of 10 CFR 50.72 and 10 CFR 50.73 are required to be met by the FCS operating license. There is no need to repeat fire protection program deficiency report requirements in the TSs. These administrative control TS changes reduce regulatory burden by eliminating unnecessary reference to regulations in the TSs. Operation of the facility in a safe manner is ensured because the staff finds that sufficient regulatory controls exist under the regulations to maintain the effect of the provisions in these TSs. Changes to the USAR will be controlled by the provisions of 10 CFR 50.59. Therefore, the staff finds them acceptable.

- Startup Report (TS 5.9.1.a)

The requirements of TS 5.9.1.a are to be relocated to the USAR. The startup report is a summary of plant startup and power escalation testing following receipt of the operating license, increase in licensed power level, installation of nuclear fuel with a different design or manufacturer than the current fuel, and modifications that may have significantly altered the nuclear, thermal, or hydraulic performance of the unit. The content of the report is also specified in TS 5.9.1.a. The report addresses tests identified in the USAR, description of measured values or characteristics and a comparison of values with design predictions and specifications. The report also contains corrective actions that were required to obtain satisfactory operation and the time limits for submitting reports following completion of the startup test program.

The report provides the NRC a mechanism to review the appropriateness of licensee activities after-the-fact, but provides no regulatory authority once the report is submitted (i.e., no requirement for NRC approval). The quality assurance requirements of 10 CFR Part 50, Appendix B, and the startup test program provisions contained in the USAR provide assurance the listed activities will be adequately performed and that appropriate corrective actions, if required, are taken. Given that the report was required to be provided to the Commission no sooner than 90 days following completion of the respective milestone, report completion and submittal was clearly not necessary to ensure operation of the facility in a safe manner for the interval between completion of the startup testing and submittal of the report. Additionally, given there is no requirement for the Commission to approve the report, the startup report is not required to be in the TSs to provide adequate protection of the public health and safety. These changes to administrative control provisions will reduce an unnecessary burden because the requirements associated with this TS do not meet the provisions of 10 CFR 50.36(c)(2)(iii)(5).

Therefore, the staff finds them acceptable. Changes to the USAR will be controlled by the provisions of 10 CFR 50.59.

- Review and Audit (TS 5.5), Reportable Event Action (TS 5.6.1.b) and Safety Limit Violation (TS 5.7.1.b, c and d)

TS 5.5 is being moved to the FCS USAR and is subject to the controls of 10 CR 50.59 to ensure proper reviews are performed. TS 5.6.1.b is proposed to be relocated to the FCS plant procedures. The requirements for performing reviews of reportable events can be adequately controlled in plant procedures under the 10 CFR 50.59 control process. The details of TS Sections 5.7.1b, 5.7.1c, and 5.7.1.d regarding preparation, review and processing of reports of safety limit violations are proposed to be relocated to plant procedures. The requirements for preparation, review and processing of Safety Limit Violations can be adequately controlled in plant procedures under the 10 CFR 50.59 control process.

These administrative control TS changes reduce regulatory burden by eliminating the unnecessary reference to regulations in the TSs. Operation of the facility in a safe manner is ensured because the staff finds that sufficient regulatory controls exist under the regulations to maintain the effect of the provisions in the TSs; therefore, the staff finds them acceptable.

#### Administrative Technical Specification Changes

Administrative (non-technical) changes are intended to incorporate human factors principles into the form and structure of the TSs so that plant operations personnel can use them more easily. These changes are editorial in nature or involve the reorganization or reformatting of current TS requirements without affecting technical content or operational restrictions. The proposed changes found acceptable by the staff involve correcting typing errors introduced into TSs.

- Minimum Frequencies for Equipment Tests (Table 3-5, Item 10.a.2)

The licensee proposes an editorial change which corrects the spelling of "laboratory" found on TS Table 3-5, "Minimum Frequencies for Equipment Tests," Item 10.a to, "Laboratory Testing." The staff finds the editorial change proposed for FCS acceptable because it does not result in any substantive change in operating requirements.

#### Change to Bases Section

Bases Section 3.17, "Steam Generator Tubes," has been revised to reflect the proposed change to TS 3.17(5)(iii), "Steam Generator Tubes Surveillance Requirements." TS 5.20, "Technical Specification (TS) Bases Control Program," assures the continuing accuracy and adequacy of the Bases Sections. Therefore, the Bases change associated with this amendment has had the appropriate administrative controls and reviews performed to assure the accuracy and adequacy of the change. The staff has reviewed this Bases change and has no objections to it.

#### 4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Nebraska 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 and changes surveillance requirements. The NRC 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 (69 FR 9863). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). The amendment also involves changes in recordkeeping, reporting or administrative procedures or requirements. Accordingly, with respect to these items, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 50.22(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: C. Schulten  
F. Talbot

Date: July 23, 2004