

December 30, 2004

Mr. Edward J. Weinkam  
Director, Regulatory Services  
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700 First Street  
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SUBJECT: APPROVAL OF NUCLEAR MANAGEMENT COMPANY REQUEST FOR A  
REDUCTION IN COMMITMENT IN QUALITY ASSURANCE PROGRAM  
REGARDING OFFSITE REVIEW COMMITTEES (TAC NO. MB7157)

Dear Mr. Weinkam:

By letter dated October 31, 2003, as supplemented by letters dated July 23, and November 8, 2004, Nuclear Management Company, LLC submitted its Quality Assurance Topical Report (QATR) for review and approval by the U. S. Nuclear Regulatory Commission (NRC) staff in accordance with Title 10 of the *Code of Federal Regulations*, Part 50.54(a)(4). This letter addresses the proposed reduction in commitment regarding offsite review committees (Enclosure 6 in your submittal dated October 31, 2003). The NRC staff's review of the remaining portions of the QATR will be addressed by separate correspondence.

The basis for our finding the proposed change acceptable is documented in the enclosed safety evaluation. This change relates to the specific reviews currently defined in plant quality assurance plans and Sections 4.3.2 and 4.3.3 of American National Standards Institute (ANSI) Standard N18.7-1976, "Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants," (N18.7-1976). The NRC staff finds that other site organizations are able to perform adequate independent reviews of the specific matters listed in quality assurance programs and ANSI N18.7-1976. The revised QATR includes a focused review to be performed at least once per year at each site of particular programs, trends, or issues potentially affecting safe plant operation.

**This letter and enclosed safety evaluation have been superceded by a revision issued on  January 13, 2005 (ADAMS Accession No. ML050210276).**

E. Weinkam

-2-

This activity was part of the reducing unnecessary regulatory burden initiative sponsored by the licensing action task force. Section 50.54(a)(3)(ii) allows other licensees to adopt a quality assurance alternative provided that the bases for the NRC approval are applicable to the licensee's facility.

If you have any questions, please contact Bill Reckley at (301) 415-1323.

Sincerely,

*/RA/*

William H. Ruland, Director  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-331, 50-305, 50-263, 50-255, 50-266,  
50-301, 50-282, and 50-306

Enclosure: Safety Evaluation

cc w/encl: See next page

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Units 1 and 2

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November 2004

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

QUALITY ASSURANCE INDEPENDENT REVIEW PROGRAM ALTERNATIVE

DUANE ARNOLD ENERGY CENTER

KEWAUNEE NUCLEAR POWER PLANT

MONTICELLO NUCLEAR GENERATING PLANT

PALISADES NUCLEAR PLANT

POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2

DOCKET NOS. 50-331, 50-305, 50-263, 50-255, 50-266, 50-301, 50-282, and 50-306

1.0 INTRODUCTION

By letter dated October 31, 2003, Nuclear Management Company, LLC, (NMC) submitted changes to its Quality Assurance Topical Report (QATR) for Duane Arnold Energy Center, Kewaunee Nuclear Power Plant, Palisades Nuclear Plant, Monticello Nuclear Generating Plant, Point Beach Nuclear Plant, Units 1 and 2, and Prairie Island Nuclear Generating Plant, Units 1 and 2, to the U. S. Nuclear Regulatory Commission (NRC) for review and approval. In Enclosure 6 of the submittal, NMC proposes an alternative to the independent review provisions in American National Standards Institute (ANSI) Standard N18.7-1976, "Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants," (N18.7-1976). NMC proposes that the Offsite Review Committee (OSRC) no longer function as an independent review body and that independent review responsibilities be reassigned to the Plant Operating Review Committee (PORC) and Nuclear Oversight Organization. By letter dated June 20, 2004, the NRC requested additional information regarding the alternative method for performing independent reviews and NMC responded to the request for additional information in a letter dated July 23, 2004. By letter dated November 8, 2004, NMC provided an additional element to the QATR to require a periodic review of particular programs, trends, or issues identified by senior plant management as warranting special attention. This safety evaluation approves the alternative, as proposed by NMC, for performing the independent reviews specified in ANSI N18.7-1976. Section 50.54(a)(3)(ii) allows for the subsequent

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adoption by other licensees of a quality assurance alternative provided that the alternative is approved by an NRC safety evaluation.<sup>1</sup>

## 2.0 BACKGROUND

The QATR previously approved by the NRC for the NMC plants requires that the OSRC perform the independent reviews described in Sections 4.3.4, 4.5, and 5.2.11 of ANSI N18.7-1976.

In its letter dated July 23, 2004, NMC states that it has revised its QATR to require that PORC and the Nuclear Oversight Organization perform the independent reviews described in Sections 4.3.4, 4.5, and 5.2.11 of ANSI N18.7-1976. In the letter dated November 8, 2004, NMC also included a requirement in the QATR for plant management to commission at least one independent review per year focusing on programs or trends warranting special attention.

### 2.1 Independent Review Bodies

NMC states in its letter dated July 23, 2004, that its revised QATR requires that the following bodies perform independent reviews previously performed by the OSRC (as described in ANSI N18.7-1976):

1. PORC will perform the independent review of safety evaluations for changes in the facility as described in the final safety analysis report (FSAR) prior to implementation of the change. PORC will evaluate the effect on safety and if a technical specification (TS) change or NRC review is required. As applicable, the PORC review will be augmented by another review that is completed during the design process. The NMC QATR requires that design verification be performed by any competent individual(s) or group(s) other than those who performed the original design but who may be from the same organization. This review verifies that changes in the facility do not result in a loss of adequate design or safety margins.
2. A qualified person, independent of the preparer, will review changes in the procedures as described in the FSAR prior to implementation of the change. The person performing the procedure review will evaluate if a TS change or other NRC approval is required. The QATR will require that independent assessments of selected procedure changes be performed to verify that persons are properly performing this review. Independent assessments are performed by the Nuclear Oversight Organization to verify effective implementation of procedures and processes.

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<sup>1</sup> This safety evaluation (SE) is written in terms of the NMC terminology and organizations. Other licensees may use this SE in their 10 CFR 50.54(a) evaluations by applying the discussions and acceptance criteria used in this SE to the organizations performing independent reviews for their facilities.

PORC will perform the independent review of tests and experiments not described in the FSAR prior to implementation of the test and experiment. PORC will evaluate if the test or experiment requires a TS change or NRC review. Furthermore, tests and experiments are conducted in accordance with procedures. The independent review process for changes to procedures described in the FSAR as discussed above will also apply.

3. PORC will perform the independent review of TS changes and license amendments relating to nuclear safety prior to implementation, except in those cases where the change is identical to a previously reviewed proposed change.
4. PORC will perform the independent review of violations, deviations, and reportable events which require reporting to the NRC in writing within 24 hours. This review will include the results of investigations and recommendations resulting from such investigations to prevent or reduce the probability of recurrence of the event.
5. PORC will perform an independent review of any matter related to nuclear safety that is requested by the Site Vice President, Site Director, Plant Manager, any PORC member, or by other NMC organizations.
6. The Nuclear Oversight management and management responsible for the areas assessed, will review the results of all independent assessments. Independent assessments will include review of significant proposed plant changes or tests, verify that reportable events are promptly investigated and corrected, and detect trends which may not be apparent to the day-to-day observer.

PORC and the Nuclear Oversight Organization, collectively, will perform the independent review of the corrective actions for significant conditions adverse to quality. Provisions for independent assessments of the audit program are incorporated into the QATR to ensure the effectiveness of the oversight process.

In addition to the specific reviews discussed above, NMC included the following into the QATR by its letter dated November 8, 2004:

NMC periodically performs independent reviews of matters involving the safe operation of its fleet of nuclear power plants, with a minimum of one such review being conducted for each generating site each year. The review addresses matters that plant and corporate management determine warrant special attention, such as plant programs, performance trends, employee concerns, or other matters related to safe plant operations. The review is performed by a team consisting of personnel with experience and competence in the activities being reviewed, but independent (from cost and schedule considerations) from the organizations responsible for those activities. The review is supplemented by outside consultants or organizations as necessary to ensure the team has the requisite expertise and competence. Results are documented and reported to responsible management.

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The addition of this focused, performance-based review is intended to support plant and corporate management in identifying and resolving issues potentially affecting safe plant operation. The requirement is that management periodically consider plant trends, performance, and employee input and determine what issues warrant an independent review. Such reviews would supplement the existing corrective action programs and self assessments. With the exception that at least one review be performed at each site each calendar year, plant and corporate management determine the scheduling and scope of review and also the composition of the team performing the review.

## 2.2 Organizational Freedom

ANSI N18.7-1976 defines an independent review as a review completed by personnel not having direct responsibility for the work function under review regardless of whether they operate as an organizational unit or as individual staff members, and states that a standing committee or organizational unit may function as an independent review body. The responsible persons or organizations must be sufficiently independent from cost and scheduling considerations when opposed to safety considerations. NMC supplements other discussions in the QATR regarding independence by including the following revision in its letter dated July 23, 2004:

PORC shall keep safety considerations paramount when opposed to cost and schedule considerations when performing its independent review responsibilities.

Should a voting PORC member at a particular meeting have direct responsibility for an item under review where a conflict of such considerations is likely, that member shall be replaced (to fill a quorum) by another voting member not having such potential conflict.

Persons performing independent assessments do not have direct responsibility for the area being assessed, and do not report to a management position with immediate responsibility for the activity being assessed.

The focused, performance-oriented review to be commissioned by plant and corporate management will also be performed by an independent team of personnel with experience and competence in the activities being reviewed. The plant and corporate management have flexibility in assigning or hiring personnel to perform the reviews of particular issues but each must be independent (from cost and schedule considerations) from the organizations responsible for the associated activities. Outside consultants or organizations are used as necessary to ensure the team has the requisite expertise and competence.

## 3.0 EVALUATION

A primary objective for performing independent reviews is that the body performing the independent review has organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations. In its July 23, 2004, letter, NMC states that the QATR has been revised to require that should a voting PORC member have direct responsibility for an item under review where a conflict of such considerations is likely, that member shall be replaced (to fill the quorum) by another voting member not having such potential conflict. The revised QATR also requires that PORC shall keep safety considerations

paramount when opposed to cost or schedule considerations. The QATR requires that independent assessments be conducted to confirm that activities affecting quality are effectively implemented. The Nuclear Oversight Organization performs independent assessments. In its November 8, 2004, letter, NMC states that the QATR has been revised to include a requirement for plant management to commission periodic performance-based reviews by teams whose members are independent from the activities being reviewed. Persons performing independent assessments do not have direct responsibility for the area being assessed, and do not report to a management position with immediate responsibility for the activity being assessed.

The licensee reviewed the various items assigned to the OSRC to ensure that each will be reviewed by the PORC, Nuclear Oversight Organization, or another independent body as part of revised QATR. The NRC staff finds that independent reviews conducted by PORC and the Nuclear Oversight Organization as described in the revised QATR provide an acceptable method for performing the independent review of the subjects listed in Sections 4.3.4, 4.5, and 5.2.11 of ANSI N18.7-1976, and that the requirements in the revised QATR provide reasonable assurance that PORC and the Nuclear Oversight Organization have sufficient organizational freedom to function as independent review bodies. Thus, the alternative proposed by NMC to reassign the OSRC independent review responsibilities (or the organizational unit functioning as the review body if using Section 4.3.3 of ANSI-N18.7-1976) to PORC and the Nuclear Oversight Organization is acceptable. In addition, the revised QATR includes a requirement for plant and corporate management to commission periodic performance-oriented reviews of matters they determine warrant special attention, such as plant programs, performance trends, employee concerns, or other issues related to safe plant operations.

#### 4. CONCLUSION

The NRC staff finds that the reviews conducted by PORC and the Nuclear Oversight Organization provide an acceptable method for performing the independent review of the subjects listed in Sections 4.3.4, 4.5, and 5.2.11 of ANSI N18.7-1976. Consequently, the NRC staff finds acceptable the alternative proposed by NMC to reassign the OSRC independent review responsibilities to PORC and the Nuclear Oversight Organization as described in the revised NMC QATR. Independent review requirements are also strengthened by the QATR requirement for plant and corporate management to commission periodic performance-oriented reviews of matters they determine warrant special attention to supplement other reviews, assessments, and audits in the QATR.

Principal Contributor: Stephen G. Tingen  
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Date: December 30, 2004

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