

May 12, 2005

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 TO  
REVISE THE TECHNICAL SPECIFICATIONS BY ADOPTING TSTF NOS. 273,  
284, AND 299 (TAC NO. MC2023)

Dear Mr. Peifer:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 258 to Facility Operating License No. DPR-49 for the Duane Arnold Energy Center. This amendment consists of changes to the Technical Specifications (TSs) in response to your application dated January 28, 2004, as supplemented by letter dated November 22, 2004. Nuclear Management Company, LLC (NMC or the licensee) proposed to revise the Duane Arnold Energy Center (DAEC) TSs which are modeled after NUREG-1433, "Standard Technical Specifications for General Electric Plants (BWR/4)," Revision 1 (STs).

This amendment revised the TSs 1.4, "Frequency," 5.5.2, "Primary Coolant Sources Outside Containment," and 5.5.11, "Safety Function Determination Program," by adopting three industry-proposed STS changes, which the NRC has approved and included in Revision 3 of the STs. These changes are Technical Specifications Task Force (TSTF) traveler numbers 273, 284, and 299. The licensee's request to revise TS 3.3.1.1, "Reactor Protection System Instrumentation," which is associated with TSTF-264 is addressed by the NRC staff by a separate Safety Evaluation (SE).

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

Sincerely,

**/RA/**

Deirdre W. Spaulding, 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. 258 to  
License No. DPR-49  
2. Safety Evaluation

cc w/encls: See next page

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

Sincerely,

**/RA/**

Deirdre W. Spaulding, Project Manager, Section 1  
Project Directorate III  
Division of Reactor Projects III/IV  
Office of Nuclear Reactor Regulation

Docket No. 50-331

- Enclosures: 1. Amendment No. 258 to License No. DPR-49  
2. Safety Evaluation

cc w/encls: See next page

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PDIII-1 R/F AMohseni DSpaulding TBoyce ACRS GHill (2)  
DLPMDPR CHarback

PACKAGE NUMBER: ML051320211

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NUCLEAR MANAGEMENT COMPANY, LLC

DOCKET NO. 50-331

DUANE ARNOLD ENERGY CENTER

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 258

License No. DPR-49

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Nuclear Management Company, LLC (the licensee) dated January 28, 2004, as supplemented by letter dated November 22, 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 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. 258, 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/***

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: May 12, 2005

ATTACHMENT TO LICENSE AMENDMENT NO. 258

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

1.4-1  
1.4-2  
1.4-5  
5.0-8  
5.0-17

Insert

1.4-1  
1.4-2  
1.4-5  
5.0-8  
5.0-17

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 258 TO FACILITY OPERATING LICENSE NO. DPR-49

NUCLEAR MANAGEMENT COMPANY, LLC

DUANE ARNOLD ENERGY CENTER

DOCKET NO. 50-331

## 1.0 INTRODUCTION

By application dated January 28, 2004, as supplemented by letter dated November 22, 2004, Nuclear Management Company, LLC (NMC or the licensee) proposed to revise the Duane Arnold Energy Center (DAEC) technical specifications (TSs) which are modeled after Revision 1 of NUREG-1433, "Standard Technical Specifications for General Electric Plants BWR/4," (STSs).

This amendment revises TSs 1.4, "Frequency," 5.5.2, "Primary Coolant Sources Outside Containment," and 5.5.11, "Safety Function Determination Program," by adopting three industry-proposed STS changes, which the U.S. Nuclear Regulatory Commission (the Commission or NRC) has approved and included in Revision 3 of the STSs. These changes are Technical Specifications Task Force (TSTF) traveler numbers 273, 284, and 299. The licensee's request to revise TS 3.3.1.1, "Reactor Protection System Instrumentation," which is associated with TSTF-264 is addressed by the NRC staff by a separate Safety Evaluation (SE).

The supplemental letter contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original *Federal Register* notice.

## 2.0 REGULATORY EVALUATION

In 1998, DAEC adopted improved TSs that were based on Revision 1 of the STSs for General Electric BWR/4 plants. Since Revision 1 was published in 1995, industry and NRC staff have identified additional STS improvements (referred to by TSTF number). Following industry acceptance and NRC-staff approval, the NRC incorporated each TSTF into the STSs. In most cases, these changes are generally applicable to General Electric BWR/4 plants, and may be adopted by individual BWR/4 licensees for improving existing TSs, subject to plant-specific findings of applicability and an adequate safety basis. In June 2001, the NRC published Revision 2 of the STSs, which incorporated all approved TSTF changes that had been made to Revision 1. In March 2004, the NRC published Revision 3, which incorporated all approved TSTF changes that had been made to Revision 2. Since then, additional TSTFs have been approved. TSTFs are considered a part of the STSs upon approval by the NRC staff.

Although the industry owners groups' TSTF included a discussion of the safety basis for each TSTF it proposed (called a traveler), the NRC staff did not, prior to 2002, prepare a formal SE describing its safety basis for accepting the associated changes to the STSs. This was consistent with the development of the STSs themselves. The NRC staff also did not prepare SEs for the STSs, which were published as NUREGs, because they are considered to be guidance documents and are not of themselves legally binding on Part 50 licensees. (The generic acceptability of the model specifications in the STSs, however, is documented in the much expanded and improved Bases or the STSs.) Consequently, a licensee applying to incorporate a TSTF into its TSs must provide a plant-specific justification acceptable to the NRC staff. If another licensee subsequently finds that this safety basis is applicable to its facility, it may choose to rely on it to justify adopting the same TSTF. In practice, the SE accompanying the license amendment for the first plant to adopt a particular TSTF establishes a baseline safety basis for the TSTF. Beginning in 2002, the NRC staff revised its TSTF review and approval process to require preparation of a formal staff SE to support the approval of each new acceptable TSTF proposal. Providing a model SE with the NRC's approval of a TSTF streamlines the license amendment process for plants adopting the TSTF, by establishing a generally applicable and acceptable baseline safety basis that licensees can use to justify adoption of the TSTF, consistent with any pertinent plant-specific considerations.

This SE addresses DAEC's adoption of TSTF Nos. 273, 284, and 299. The NRC staff approved these travelers, prior to 2002, based on the justifications contained in the travelers. The present application did not propose any significant deviations from the changes contained in these travelers, and relied on the justifications provided in the travelers. Therefore, the NRC staff finds that the licensee identified in its application the applicable regulatory requirements.

### 3.0 TECHNICAL EVALUATION

#### 3.1 TSTF 273, Rev. 2

The following changes are based on TSTF 273, Rev 2:

- Add discussion to the Bases for limiting condition for operation (LCO) 3.0.6 to clarify when a support system's TS action requirements provide sufficient remedial measures so that entry into a supported system's action requirements is not required, even though the inoperable support system would prevent the supported system from performing its safety function.
- Revise the first sentence of the second paragraph (paragraph b) of TS 5.5.11, safety function determination program (SFDP), by adding the language indicated by bold type face:

A loss of safety function exists when, assuming no concurrent single failure, **no concurrent loss of offsite power or no concurrent loss of onsite diesel generator(s)**, a safety function assumed in the accident analysis cannot be performed.

- Revise the third paragraph (paragraph c) of TS 5.5.11 by adding the sentence indicated in bold type face:

The SFDP identifies where a loss of safety function exists. If the loss of safety function is determined to exist by this program, the appropriate Conditions and Required Actions of the LCO in which the loss of safety function exists are required to be entered.

**When a loss of safety function is caused by the inoperability of a single Technical Specification support system, the appropriate Conditions and Required Actions to enter are those of the support system.**

STS LCO 3.0.2 and DAEC TS LCO 3.0.2 both require performing applicable required actions upon discovering that the associated LCO is not met; and the STS and DAEC TS definitions of operability both require necessary support systems to be operable in order to consider the supported system operable. Thus, by LCO 3.0.2 and the definition of operability, when a necessary specified support system is inoperable, the systems it supports are also inoperable and the licensee would be required to implement the applicable required actions of the supported system specifications, as well as those of the support system specification.

However, when a specified support system is inoperable, the STSs and the DAEC TSs usually specify sufficient required actions in the support system specification, so that implementation of supported system specification required actions is unnecessary to ensure safety. Because of this, the STSs and DAEC TSs contain a general exception to LCO 3.0.2, and do not require entering conditions and required actions of supported system specifications when a specified support system is inoperable (unless otherwise stated in the support system specification). This general exception to LCO 3.0.2 is contained in LCO 3.0.6, which states:

When a supported system LCO is not met solely due to a support system LCO not being met, the Conditions and Required Actions associated with this supported system are not required to be entered. Only the support system LCO ACTIONS are required to be entered. This is an exception to LCO 3.0.2 for the supported system. In this event, an evaluation shall be performed in accordance with Specification 5.5.12, "Safety Function Determination Program (SFDP)." If a loss of safety function is determined to exist by this program, the appropriate Conditions and Required Actions of the LCO in which the loss of safety function exists are required to be entered.

When a support system's Required Action directs a supported system to be declared inoperable or directs entry into Conditions and Required Actions for a supported system, the applicable Conditions and Required Actions shall be entered in accordance with LCO 3.0.2.

The required actions for specified support systems, though adequate when no other safety systems are inoperable, usually do not consider the possibility that other specified safety systems (both support and supported) in the redundant train are inoperable. If a system in one train is already inoperable when a support system in the opposite train becomes inoperable, a loss of function condition may exist. Accordingly, LCO 3.0.6 requires an evaluation for this condition in accordance with the SFDP whenever a support system LCO is not met.

TSTF 273 clarified the application of LCO 3.0.6 in the event a certain kind of LCO is not met. Some support systems in TSs, such as the suppression pool, the refueling water storage tank, and the ultimate heat sink lack redundancy and support both trains of several safety systems. Not meeting such LCOs would render the supported systems incapable of fully performing their specified safety functions. In this situation, the SFDP and LCO 3.0.6 could be incorrectly interpreted as requiring implementation of the applicable required actions of all affected supported system specifications. However, in this condition the intent of LCO 3.0.6 is to only require implementation of the applicable required actions of the support system specification. This is appropriate because the specified action requirements for these kinds of support systems adequately account for the reduced capability of the associated supported systems to perform their specified safety functions. TSTF 273 accomplished this clarification of LCO 3.0.6 with the previously described changes to the Bases for LCO 3.0.6 and Specification 5.5.11.c. This clarification of the intent of LCO 3.0.6 is acceptable because implementing the action requirements for such support systems provides an adequate assurance of safety, which is at least equivalent to that provided by the action requirements for the affected supported systems, and avoids the additional complication of initiating entry into multiple specifications for the inoperability of a single specified support system component.

TSTF 273 also clarified the application of LCO 3.0.6 and Specification 5.5.11 in the event the alternating current (ac) sources LCO is not met. The required actions for an inoperable offsite or onsite ac source include checking for a loss of function condition, and specify appropriate actions to take should a loss of function condition exist. These actions are adequate to address loss of function conditions involving ac sources. Therefore, in such cases, the LCO 3.0.6 check for loss of function is redundant and unnecessary. However, as written, DAEC Specification 5.5.11.b can be interpreted as requiring this check even though it is redundant. To preclude this interpretation, TSTF 273 changed Specification 5.5.11.b for the SFDP, as described previously, to explicitly exclude the assumption of a concurrent inoperable ac source from the loss of function definition. This change only clarifies the intent of the STSs and the DAEC TSs for the SFDP, ac sources, and LCO 3.0.6. Therefore, it is an administrative change and acceptable.

## 3.2 TSTF 284, Rev. 3

### 3.2.1 Background

#### 3.2.1.a Proposed Changes

The following changes are based on TSTF 284, Rev. 3:

- Revise TS 1.4, Use and Application - Frequency, to clarify the intended meaning of the terms “met” and “performed” as used in surveillance requirement (SR) notes that modify the specified Frequency (test interval) of the SR. The following discussion replaces the

last sentence of the “Description” section of TS 1.4:

**Some Surveillances contain notes that modify the Frequency of performance or the conditions during which the acceptance criteria must be satisfied. For these Surveillances, the MODE-entry restrictions of SR 3.0.4 may not apply. Such a Surveillance is not required to be performed prior to entering a MODE or other specified condition in the Applicability of the associated LCO if any of the following three conditions are satisfied:**

- a. The Surveillance is not required to be met in the MODE or other specified condition to be entered; or**
- b. The Surveillance is required to be met in the MODE or other specified condition to be entered, but has been performed within the specified Frequency (i.e., it is current) and is known not to be failed; or**
- c. The Surveillance is required to be met, but not performed, in the MODE or other specified condition to be entered, and is known not to be failed.**

**Examples 1.4-3, 1.4-4, 1.4-5, and 1.4-6 discuss these special situations.**

- Add Examples 1.4-5 and 1.4-6, which explain the use of the following two SR notes, respectively: “Only required to be performed in MODE 1,” and “Not required to be met in MODE 3.”

3.2.1.b Excerpts from use and application requirements for surveillances:

SR 3.0.1 partially states,

- SRs shall be met during the MODES or other specified conditions in the Applicability for individual LCOs, unless otherwise stated in the SR.
- Failure to meet a Surveillance, whether such failure is experienced during the performance of the Surveillance or between performances of the Surveillance, shall be failure to meet the LCO.
- Failure to perform a Surveillance within the specified Frequency shall be failure to meet the LCO except as provided in SR 3.0.3.

SR 3.0.2 partially states,

The specified Frequency for each SR is met if the Surveillance is performed within 1.25 times the interval specified in the Frequency, as measured from the previous performance or as measured from the time a specified condition of the Frequency is met.

SR 3.0.3 partially states,

If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is greater.

SR 3.0.4 partially states,

Entry into a MODE or other specified condition in the Applicability of an LCO shall only be made when the LCO's Surveillances have been met within their specified Frequency, except as provided by SR 3.0.3.

3.2.1.c Excerpts from Specification 1.4, "Frequency"

DAEC TS 1.4 describes why exceptions to SR 3.0.4 are needed:

Situations where a Surveillance could be required (i.e., its Frequency could expire), but where it is not possible or not desired that it be performed until sometime after the associated LCO is within its Applicability, represent potential SR 3.0.4 conflicts. To avoid these conflicts, the SR (i.e., the Surveillance or the Frequency) is stated such that it is only 'required' when it can be and should be performed.

Situations where a Surveillance could be required (i.e., its Frequency could expire), but where it is not possible or not desired that it be performed until sometime after the associated LCO is within its Applicability, represent potential SR 3.0.4 conflicts. To avoid these conflicts, the SR (i.e., the Surveillance or the Frequency) is stated such that it is only "required" when it can be and should be performed. With an SR satisfied, SR 3.0.4 imposes no restriction.

The use of "met" or "performed" in these instances conveys specific meanings. A Surveillance is "met" only when the acceptance criteria are satisfied. Known failure of the requirements of a Surveillance, even without a Surveillance specifically being "performed," constitutes a Surveillance not "met." "Performance" refers only to the requirement to specifically determine the ability to meet the acceptance criteria.

3.2.2 Evaluation of Changes

A surveillance is "met" only when its acceptance criteria are satisfied. Per SR 3.0.1, when a surveillance is required to be met, the licensee must have demonstrated that the acceptance criteria are satisfied within the specified frequency (or test interval) plus any specified extension (SR 3.0.2) or within the allowance of SR 3.0.3. Otherwise, the associated LCO must be

declared not met and appropriate specified conditions and required actions must be entered.

Some surveillances, however, do not need to be met until some period of time has passed since the plant entered the specification's applicability or until the plant is in certain mode or other condition specified in the applicability. Such surveillances require an exception to SR 3.0.4. These exceptions are usually stated in the surveillance requirement in the form of a note; e.g., "Only required to be met in Mode 1," or "Not required to be met in Mode 3."

Before entering into a surveillance's applicability (which may differ from that of the associated LCO, depending on when the surveillance is required to be "met"), SR 3.0.4 requires a demonstration that the surveillance's acceptance criteria are satisfied; i.e., a successful performance of the surveillance. However, the performance of some surveillances is not possible until after entering the surveillance's applicability and establishing suitable test conditions. Such surveillances also require an exception to SR 3.0.4. These exceptions are usually stated in the surveillance requirement in the form of a note; e.g., "Not required to be performed until 12 hours after  $\geq$  25 percent RTP," or "Only required to be performed in MODE 1."

The additional discussion and examples provided by TSTF 284, described previously in 3.3.1.a, are acceptable because they extend the guidance, which explains the proper meaning and use of SR notes that modify surveillance applicability and frequency requirements, so that it is comprehensive, and consistent among the 5 STS NUREGs. Application of TSTF 284 to the DAEC TSs clarifies the existing guidance, but has no adverse effect on safety because it does not reduce any operational restrictions or testing requirements. Therefore, adoption of TSTF 284, Rev 3 is acceptable.

### 3.3 TSTF 299, Rev. 0

The following changes are based on TSTF 299, Rev. 0

- Revise TS 5.5.2, Primary Coolant Sources Outside Containment, by changing 5.5.2.b from

The program shall include the following: System leak test requirements for each system at refueling cycle intervals or less.

to

The program shall include the following: System leak test requirements for each system at **least once per 24 months**.

- Add a statement that "The provisions of SR 3.0.2 are applicable" to the TS 5.5.2 leak testing frequencies. (SR 3.0.2 permits extending a test interval by 25 percent to allow test schedule changes to accommodate unforeseen circumstances.)

STS 5.5.2.b requires the program for primary coolant sources outside containment to include integrated leak test requirements for each system with a test interval equal to a "refueling cycle interval or less." This test interval is equivalent to an STS surveillance frequency. Thus, it is

appropriate to state it so that it is consistent with most STS surveillance frequencies by replacing “at refueling cycle intervals or less” with “at least once per [18] months.” In addition, the provisions of STS SR 3.0.2, which permit the frequency to be extended by 25 percent, should also apply to this system leak testing to retain existing necessary scheduling flexibility. The TSTF committee stated in the traveler for TSTF 299 that,

As a result of explicitly stating the interval for the test, it will no longer be possible to account for shutdowns or power reductions that may occur during the cycle in order to satisfy the interval requirements for the test required by STS 5.5.2.b. That is, a refueling cycle may be longer than [18] months in order to achieve the required fuel burnup.

In such case, the proposed statement of the test interval would require the test before the actual fuel cycle was completed. Thus, in order to avoid this consequence of the revised frequency, it is necessary to state that the STS Section 3.0 provision of SR 3.0.2 applies to STS 5.5.2. The revised test interval combined with the provisions of SR 3.0.2 is equivalent to the existing requirement, provided the interval between refueling outages is no greater than 30 months (24 months plus 25 percent) for plants on an 24-month fuel cycle. For such cases, this change is administrative and, therefore, acceptable. In the event the current fuel cycle requires more than 30 months to complete, because of unanticipated shutdowns and power reductions, the revised test interval would require the test before the completion of the current fuel cycle. This is more restrictive than the current requirement, which would allow delaying the test until the actual end of the fuel cycle. Therefore, because the proposed change is potentially more restrictive, while still maintaining most of the existing scheduling flexibility, it is acceptable.

The proposed changes to the DAEC TSs based on approved STS changes, with appropriate plant-specific deviations, are administrative in nature, and are, therefore 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 CONSIDERATIONS

This amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in Title 10 of *Code of Federal Regulations* (10 CFR) Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluent 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 19571). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). 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 NRC staff 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. Harbuck

Date: May 12, 2005