



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 221 TO FACILITY OPERATING LICENSE NO. DPR-33
AMENDMENT NO. 236 TO FACILITY OPERATING LICENSE NO. DPR-52
AMENDMENT NO. 195 TO FACILITY OPERATING LICENSE NO. DPR-68

TENNESSEE VALLEY AUTHORITY

BROWNS FERRY NUCLEAR PLANT, UNITS 1, 2, AND 3

DOCKET NOS. 50-259, 50-260, AND 50-296

1.0 INTRODUCTION

By application dated November 15, 1994, which was superseded by letter dated March 7, 1995, the Tennessee Valley Authority (TVA or the licensee) proposed an amendment to the Technical Specifications (TS) for Browns Ferry Nuclear Plant (BFN) Units 1, 2 and 3. The requested changes would remove certain audit frequencies specified in the Administrative Controls section of the TS, but retain the requirement to perform the audits at a frequency to be specified in changes to the Nuclear Quality Assurance (NQA) plan. Changes to the NQA plan were also submitted for review. In addition, the amendment would relocate requirements to perform Radiological Emergency Plan (REP), Physical Security Plan and Safeguards Contingency Plan audits from the TS to the respective plans in accordance with the guidance in Generic Letter (GL) 93-07.

Specific TS changes that were proposed are:

ADMINISTRATIVE CONTROLS 6.5.2.8.a, 6.5.2.8.b, 6.5.2.8.k, and 6.5.2.8.n to delete the phrase "at least once per 12 months."

ADMINISTRATIVE CONTROL 6.5.2.8.l to delete the phrase "at least once every 12 months."

ADMINISTRATIVE CONTROL 6.5.2.8.c to delete the phrase "at least once per 6 months."

ADMINISTRATIVE CONTROLS 6.5.2.8.d and 6.5.2.8.o to delete the phrase "at least once per 24 months."

ADMINISTRATIVE CONTROLS 6.5.2.8.e, 6.5.2.8.f and 6.5.2.8.m would be deleted to remove the TS requirements for these audits (Radiological Emergency Plan, Physical Security Plan, and Safeguards Contingency Plan).

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2.0 BACKGROUND

Section 182a of the Atomic Energy Act (the "Act") requires applicants for nuclear power plant operating licenses to state TS to be included as part of the license. The Commission's regulatory requirements related to the content of TS are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories, including (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TS.

The Commission has provided guidance for the contents of TS in its "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" ("Final Policy Statement"), 58 FR 39132 (July 22, 1993), in which the Commission indicated that compliance with the Final Policy Statement satisfies §182a of the Act. In particular, the Commission indicated that certain items could be relocated from the TS to licensee-controlled documents, consistent with the standard enunciated in *Portland General Electric Co.* (Trojan Nuclear Plant), ALAB-531, 9 NRC 263, 273 (1979). In that case, the Atomic Safety and Licensing Appeal Board indicated that "technical specifications are to be reserved for those matters as to which the imposition of rigid conditions or limitations upon reactor operation is deemed necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety."

Consistent with this approach, the Final Policy Statement identified four criteria to be used in determining whether a particular matter is required to be included in the TS, as follows: (1) installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary; (2) 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 presents a challenge to the integrity of a fission product barrier; (3) 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; (4) a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety.¹ As a result, existing TS requirements which fall within or satisfy any of the criteria in the Final

¹The Commission recently promulgated a proposed change to 10 CFR 50.36, pursuant to which the rule would be amended to codify and incorporate these criteria (59 FR 48180). The Commission's Final Policy Statement specified that only limiting conditions for Reactor Core Isolation Cooling, Isolation Condenser, Residual Heat removal, Standby Liquid Control, and Recirculation Pump Trip, meet the guidance for inclusion in the TS under Criterion 4 (58 FR 39137). The Commission has solicited public comments on the scope of Criterion 4, in the pending rulemaking.



Policy Statement must be retained in the TS, while those TS requirements which do not fall within or satisfy these criteria may be relocated to other, licensee-controlled documents.

3.0 EVALUATION

3.1 Other TS-Required Audits

The licensee has proposed that the review and audit functions specified in existing TS 6.5.2.8.a, 6.5.2.8.b, 6.5.2.8.c, and 6.5.2.8.d, 6.5.2.8.k, 6.5.2.8.l, 6.5.2.8.n, and 6.5.2.8.o, be removed from the TS on the basis that they are adequately controlled elsewhere. These TS provisions are not necessary to assure safe operation of the facility, given the requirements in the Quality Assurance Program implementing 10 CFR 50.54 and 10 CFR Part 50, Appendix B to control the requirements for all review and audit functions. Such an approach would result in an equivalent level of regulatory authority while providing for a more appropriate change control process. The level of safety of plant operation is unaffected by this change and NRC and licensee resources associated with processing license amendments to this administrative control may be used more effectively. In addition, audit requirements are specified in the QA program description to satisfy 10 CFR 50, Appendix B, Criterion XVIII. Audits are also covered by ANSI N18.7, ANSI N45.2, 10 CFR 50.54(p), 10 CFR 50.54(t), and 10 CFR Part 73. Therefore, duplication of these requirements does not enhance the level of safety of the plant, nor are the provisions relating to audits necessary to assure safe operation of the facility.

On this basis, the staff concludes that the audit requirements do not need to be controlled by TS, and changes to the audit frequencies, which are described in a change to the Browns Ferry NQA Plan specifying that the audits listed in the TS would be accomplished on a biennial (2 year) frequency as defined in the NQA Plan Section 12.2.E.2, will be adequately controlled by 10 CFR 50.54(a). The staff has concluded, therefore, that relocation of the audit requirements described above is acceptable because (1) their inclusion in TS is not specifically required by §182a of the Act or by 10 CFR 50.36 or other regulations, (2) the audit requirements are not required to avert an immediate threat to the public health and safety, and (3) changes to these audit requirements, as described in the applicable program description, will require prior NRC approval in accordance with 10 CFR 50.54(a). The licensee also proposed changes to the licensee's Nuclear Quality Assurance Plan and justification for the changes that would be necessary to implement the TS changes. NRC Region II has reviewed these changes and has found them to be acceptable.

3.2 Radiological Emergency Plan and Physical Security Plan and Safeguards Contingency Plan Audits

The requirements for reviews and annual audits of the site Radiological Emergency Plan and Physical Security/Contingency Plan (and their associated implementing procedures) are currently delineated in the Radiological Emergency Plan and the Physical Security/Contingency Plan for the Browns Ferry Nuclear Plant. Changes in these review requirements must be made in



accordance with 10 CFR 50.54(p) for the Security Plan and 10 CFR 50.54(q) for the Emergency Plan.

The staff concludes that the requirements for emergency planning in 10 CFR 50.47, 10 CFR 50.54, and 10 CFR Part 50 Appendix E, and for security in 10 CFR 50.54 and 10 CFR 73.55, for drills, exercises, testing, and maintenance of the program, provide adequate assurance that the objective of the previous TS for a periodic review of the program and changes to the programs will be met. Therefore, duplication of the requirements contained in the regulations would not enhance the level of safety for the facility. The staff concludes that other regulatory requirements provide sufficient control of these provisions and removing them from the TS is acceptable.

On this basis, the staff concludes that these requirements do not need to be controlled by TS, and changes to the audit frequencies, which are described in the respective Plans, will be adequately controlled by 10 CFR 50.54(p) or (q), as applicable. The staff has concluded, therefore, that removal of the audit requirements described above is acceptable because (1) their inclusion in the TS is not specifically required by §182a of the Act, or by 10 CFR 50.36 or other regulations, (2) the audit requirements are not required to avert an immediate threat to the public health and safety, and (3) changes to these audit requirements, as described in the applicable program description, will require prior NRC approval in accordance with Appendix E to 10 CFR Part 50, 10 CFR 50.54(p), or 10 CFR 73.55(g).

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Alabama State official was notified of the proposed issuance of the amendment. The State official had no comments.

4.0 ENVIRONMENTAL CONSIDERATION

The amendments involve changes to the administrative procedures or requirements. 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 (60 FR 16202). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(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.

5.0 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.

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