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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NOS. 191 AND 74 TO FACILITY OPERATING

LICENSE NOS. DPR-66 AND NPF-73

DUQUESNE LIGHT COMPANY

OHIO EDISON COMPANY

PENNSYLVANIA POWER COMPANY

THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

THE TOLEDO EDISON COMPANY

BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2

DOCKET NOS. 50-334 AND 50-412

1.0 INTRODUCTION

By letter dated August 3', 1994, as supplemented May 18, 1995, the Duquesne Light Company (the licensee) submitted a request for changes to the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and BVPS-2), Technical Specifications (TSs) and for deletion of certain license conditions. The requested changes would delete BVPS-2 License Conditions 2.C.(3), 2.C.(5), 2.C.(7), 2.C.(8), 2.C.(9), and 2.C.(10) to reflect completion of activities required by these license conditions and make the following revisions to the BVPS-1 and BVPS-2 TSs:

1. Eliminate references to specific frequencies for each of the TS required audits (TS 6.2.2.8).

2. Eliminate references to reviews and audits of the Emergency Plan and Security Plan (TSs 6.5.2.8 and 6.8.1).

3. Include the Offsite Dose Calculation Manual and Process Control Program and associated implementing procedures in the list of required audits (TS 6.5.2.8).

4. Editorial changes which were necessitated by a reorganization (TS 6.2.1, 6.2.3.1, 6.2.3.4, 6.5.1.7, 6.5.2.2, 6.5.2.8, 6.5.2.9, and 6.5.2.10).

5. Eliminate reference to Appendix A of 10 CFR Part 55 (TS 6.4.1).

6. Separate the Inservice Inspection (ISI) and Inservice Testing (IST) Programs surveillance requirements and simply reference the regulations 10 CFR 50.55a(g) for ISI and 10 CFR 50.55a(f) for IST (TS 4.0.5).

The May 18, 1995, letter requested withdrawal of the proposed changes to TS 6.5.2.8 dealing with audits of the Beaver Valley Power Station, Units 1 and 2, fire protection program and withdrawal of a proposed 25-percent grace period for all audit frequencies (Item 6 in August 31, 1994 application). The May 18, 1995, letter did not change the initial proposed no significant hazards consideration determination. The NRC staff has granted the May 18, 1995, request for withdrawal.

2.0 EVALUATION

2.1 TSs 6.5.2.8 and 6.8.1

The licensee proposed to relocate the audit frequencies from TSs 6.5.2.8.a, 6.5.2.8.b, 6.5.2.8.c, and 6.5.2.8.d. The licensee also proposed to delete TSs 6.5.2.8.e, 6.5.2.8.f, 6.8.1.d, and 6.8.1.e which apply to the Emergency and Security Plans. In addition the licensee proposed new TSs 6.5.2.8.k and 6.5.2.8.l with respect to the Offsite Dose Calculation Manual and the Process Control manual for processing and packaging of radioactive waste.

Section 182a of the Atomic Energy Act (the "Act") requires applicants for nuclear power plant operating licenses to include TSs as part of the license. The Commission's regulatory requirements related to the content of TSs are set forth in 10 CFR 50.36. That regulation requires that the TSs 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 TSs.

The Commission has provided guidance for the contents of TSs 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 Section 182a of the Act. In particular, the Commission indicated that certain items could be relocated from the TSs 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 particular limiting conditions for operation are required to be included in the TSs, 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]

The Commission's policy statement provides that many of the existing TS limiting conditions for operation which do not satisfy these four specified criteria may be relocated to the Updated Final Safety Analysis Report (UFSAR), such that future changes could be made to these provisions pursuant to 10 CFR 50.59. Other requirements may be relocated to more appropriate documents (e.g. Security Plan, Quality Assurance (QA) plan, and Emergency Plan) and controlled by the applicable regulatory requirement. While the content of the TSs administrative controls is specified in 10 CFR 50.36(c)(5), particular details of the administrative controls may be relocated to licensee-controlled documents where 10 CFR 50.59 or comparable regulatory controls exist.

Administrative controls in existing TSs related to the review and audit functions, including specified frequency provisions, should be relocated to a licensee-controlled document that provides adequate control over changes to these provisions and which provides an appropriate change control mechanism. As such, these review and audit provisions should be relocated to the Quality Assurance Program described or referenced in the facility's UFSAR and controlled pursuant to 10 CFR 50.54.

The licensee proposed that the review and audit functions and frequencies (other than fire protection related) specified in existing TS 6.5.2.8 be relocated from the TSs to the UFSAR (Section 1.3.4.1 for BVPS-1 and Table 1.8-1 for BVPS-2) specifying that the TSs identified audits will be accomplished with a frequency commensurate with their safety significance not to exceed a biennial (2 years) frequency as defined by Quality Services Unit Program commitments to NRC

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[1]The Commission recently adopted amendments to 10 CFR 50.36, pursuant to which the rule was revised to codify and incorporate these criteria. See Final Rule, "Technical Specifications," 60 FR 36953 (July 19, 1995). The Commission indicated that reactor core isolation cooling, isolation condenser, residual heat removal, standby liquid control, and recirculation pump are to be included in the TSs under Criterion 4, although it recognized that other structures, systems and components could also meet this criterion (60 FR 36956).

Regulatory Guides 1.33 and 1.144. The licensee commitment to the QA Regulatory Guides is considered part of the Quality Assurance Program (QAP) described in the UFSAR such that future changes would be made pursuant to 10 CFR 50.54(a).

These particular TS provisions are not necessary to assure safe operation of the facility, given that the requirements in the QA program implement the Commission's regulations pertaining to these review and audit functions as set forth below. The review and audit functions define an administrative framework to confirm that plant activities have been properly conducted in a safe manner. The reviews and audits serve also to provide a cohesive program that provides senior level licensee management with assessments of facility operation and recommends actions to improve nuclear safety and reliability. As such, the review and audit program does not include any elements that are delineated in the Final Policy Statement criteria, as discussed above, for determining which limiting conditions are required to be included in the TSs. As documented in the Final Policy Statement, the review and audit functions constitute requirements that can be relocated to the Quality Assurance plan and controlled by the applicable regulatory requirement. The security and emergency plans' review and audit requirements are proposed to be relocated to their respective plans in accordance with Generic Letter (GL) 93-07. The emergency and security plans implement the Commission's regulations discussed below for these reviews and audits. Such an approach would result in an equivalent level of regulatory authority while providing for a more appropriate change control process. In addition, the following considerations support relocating these items from the TSs:

> The current audit frequencies specified in TSs 6.5.2.8.a, 6.5.2.8.b, and 6.5.2.8.c are being extended to a maximum interval of once per 2 years. Audit requirements are specified in the QA program to satisfy 10 CFR Part 50, Appendix B, Criterion XVIII. The licensee has committed to or relies upon the guidance in ANSI N18.7 (endorsed by NRC Regulatory Guide 1.33) and ANSI N45.2 (endorsed by NRC Regulatory Guide 1.28) to meet the requirements of Appendix B to 10 CFR Part 50. Audits are also governed by 10 CFR 50.54(t), 10 CFR 50.54(p), and 10 CFR Part 73. Therefore, duplication of these requirements does not enhance the level of plant safety. Control of changes to the QA program description are governed by the provisions of 10 CFR 50.54(a). In accordance with ANSI N18.7, the licensee will audit safety related activities, including TS identified audits where the frequencies were relocated, at least once every 2 years. The NRC staff finds these proposed audit frequency extensions acceptable since these changes are in accordance with ANSI N18.7 and the licensee will perform the audits on a frequency commensurate with the safety significance of operational phase activities.

The licensee will continue to implement a QA program in accordance with the requirements of 10 CFR Part 50, Appendix B, and commitments to ANSI N18.7, and Regulatory Guide 1.28 which provides appropriate controls for the approval of changes to the audit functions and frequencies. Changes to the QA program, including departures from the referenced ANSI standards, that constitute a reduction in commitment, can be made in the future pursuant to 10 CFR 50.54(a).

The staff concludes that this regulatory requirement provides sufficient control for the audit functions and frequencies, so that removing these requirements from the TS is acceptable.

The licensee similarly proposes to relocate the requirements to establish, implement, and maintain procedures related to the Emergency Plan (existing TS 6.5.2.8.e and 6.8.1.e) and Security Plan (existing TS 6.5.2.8.f and 6.8.1.d), including related requirements for periodic reviews of these programs and implementing procedures, as recommended in Generic Letter 93-07, "Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans," dated December 28, 1993. The Security Plan requirements specified in 10 CFR 50.54, 73.40, 73.55, and 73.56, and the Emergency Plan requirements are specified in 10 CFR 50.54(q) and 10 CFR Part 50, Appendix E, Section V, provide adequate regulatory controls for these programs. Duplication of the requirements contained in the regulations would not enhance the level of safety for the facility. On this basis, the NRC staff has concluded that the existing TS requirements can be relocated to the respective plans, and removed from TSs. Future changes in these 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.

On this basis, the NRC staff concludes that these provisions are not required to be in the TSs under 10 CFR 50.36 or Section 182a of the Atomic Energy Act, and are not required to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety. In addition, the NRC staff finds that sufficient regulatory controls exist under 10 CFR 50.54 to adequately control future modifications to these provisions. Accordingly, the NRC staff has concluded that these requirements may be relocated from the TSs to the respective licensee-controlled documents.

The licensee proposes to add TSs 6.5.2.8.k and 6.5.2.8.l to formalize the requirements to audit the Offsite Dose Calculational Manual and implementing procedures and the Process Control Program and implementing procedures. The NRC staff finds the addition of these audit requirements acceptable since these are additional commitments which will enhance the licensee's audit program.

2.2 Title Changes

The licensee proposed to change the title "Vice President, Nuclear Group" to "Senior Vice President, Nuclear Power Division" in numerous places in the Administrative Controls section of the TSs to reflect an organizational change. The duties and responsibilities of the position have not changed. The proposed change is in title only and is merely administrative. Therefore, the NRC staff finds the proposed change acceptable.

2.3 TS 6.4.1

The proposed amendment would delete the phrase "Appendix A of" prior to 10 CFR Part 55 in TS 6.4.1. The proposed deletion is an administrative change which the NRC staff finds acceptable since the requirements of Appendix A have now been included in 10 CFR Part 55.

2.4 TS 4.0.5

The licensee also proposed to delete the phrase "except where specific written relief has been granted" for both the inservice inspection (ISI) and inservice testing (IST) programs. The proposed deletion would permit the licensee to implement proposed relief requests without prior NRC approval during the first 12 months of a 10 year ISI/IST interval provided the relief requests were determined to be clearly impractical. The NRC requires that licensees must establish and implement their ISI/IST programs in accordance with the requirements of 10 CFR 50.55a. NRC staff guidance regarding the implementation of ISI/IST relief requests during the first 12 months of a 10 year ISI/IST interval is provided in Sections 2.5 and 6.3 of NUREG-1482. NUREG-1482 states that licensees may implement proposed relief requests without prior NRC approval, during the first 12 months of a 10 year ISI/IST interval, that have been determined to be clearly impractical provided the NRC is informed of those ASME Code requirements which are impractical to meet and relief is requested from those requirements. We have determined that this proposed change is in accordance with the guidance provided in NUREG-1482 and is therefore, acceptable.

2.5 Deletion of Certain License Conditions

Six license conditions in the BVPS-2 Facility Operating License would be deleted by the proposed amendment. Our evaluations of the proposed deletions are as follows:

2.5.1 License Condition 2.C.(3), Initial Startup Test Program

This license condition required any changes to the BVPS-2 Initial Test Program described in Section 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 to be reported in accordance with the requirements of 10 CFR 50.59(b) within one month of such change. The licensee completed the BVPS-2 Initial Test Program on June 9, 1989, and submitted the final supplement (Supplement 6) to the BVPS-2 Startup Report on August 4, 1989. Therefore, the action required by this license condition has been completed and License Condition 2.C.(3) may be deleted.

2.5.2 License Condition 2.C.(5), Inservice Inspection

This license condition required the licensee to submit the BVPS-2 ISI program in accordance with 10 CFR 50.55a(g)(4) for NRC staff review by June 1, 1988. By letter dated June 1, 1988, the licensee submitted the first 10-year ISI program for BVPS-2. Therefore, the action required by this license condition has been completed and Licensee Condition 2.C.(5) may be deleted.

2.5.3 License Condition 2.C.(7), Plant Safety Monitoring System (PSMS)

This license condition required the licensee to submit to the NRC on or before November 27, 1987, a verification and validation (V&V) plan to demonstrate the reliability of the Plant Safety Monitoring System. This license condition further required that the V&V plan be implemented before startup after the second refueling outage. By letter dated December 4, 1990, the licensee informed the NRC that the required actions had been completed. Therefore, this requirement has been satisfied and License Condition 2.C.(7) may be deleted.

2.5.4 License Condition 2.C.(8), Detailed Control Room Design Review (DCRDR)

This license condition required resolution of all open DCRDR issues before startup from the second refueling outage. By letter dated December 3, 1990, the licensee informed the NRC that all such actions had been completed. Therefore, this requirement has been satisfied and License Condition 2.C.(8) may be deleted.

2.5.5 License Condition 2.C.(9), Safety Parameter Display System (SPDS)

This license condition required the licensee to perform the necessary activities, provide acceptable responses, and implement all proposed corrective actions related to SPDS items specified in License Amendment No. 16 before startup from the second refueling outage. By letter dated December 4, 1990, the licensee confirmed that these items had been implemented. Therefore, this requirement has been satisfied and License Condition 2.C.(9) may be deleted.

2.5.6 License Condition 2.C.(10), Fire Protection Modifications

This licensee condition required completion of the installation of back draft dampers by September 30, 1987, to mitigate overpressurization caused by discharge of the carbon dioxide system. By letter dated September 30, 1987, the licensee provided a status report regarding the installation of the required dampers, associated controls, and logic testing. The September 30, 1987, letter stated that completion of all carbon dioxide testing for all zones by September 30, 1987, was unattainable. The September 30, 1987, letter went on to state that additional hardware modifications were required and that the expected completion date was December 31, 1987.

By letter dated December 31, 1987, the licensee informed the NRC that the required additional hardware modifications had been completed and that the systems were placed in operation prior to the scheduled due date of December 31, 1987. Therefore, this requirement has been satisfied and License Condition 2.C.(10) may be deleted.

3.0 STATE CONSULTATION

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

4.0 ENVIRONMENTAL CONSIDERATION

The amendments change surveillance requirements. The NRC staff has determined that the amendments involve 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 amendments involve no significant hazards consideration, and there has been no public comment on such finding (59 FR 65812). The amendments also relate to changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9) and (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 amendments.

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 amendments will not be inimical to the common defense and security or to the health and safety of the public.

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