



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 213 TO FACILITY OPERATING LICENSE NO. DPR-49

IES UTILITIES INC.

CENTRAL IOWA POWER COOPERATIVE

CORN BELT POWER COOPERATIVE

DUANE ARNOLD ENERGY CENTER

DOCKET NO. 50-331

1.0 INTRODUCTION

By letter dated February 13, 1995, as supplemented April 21, 1995, and August 8, 1995, IES Utilities, Inc. submitted a request for revision of the Technical Specifications (TS) for the Duane Arnold Energy Center (DAEC). The proposed change deletes from DAEC TS Sections 6.5.2.8, 6.5.2.10.c, and 6.5.3, and revises Section 6.5.2.9. The changes remove all reference in the TS to the performance of audits. The current audits listed in the TS are described in the Quality Assurance Program Description (QAPD), located in Chapter 17 of the Updated Final Safety Analysis Report (UFSAR), and will continue to be performed under the cognizance of the Safety Committee. The QAPD specifies the audits that must be performed, the frequency for those audits, and the personnel who will perform them.

2.0 BACKGROUND

Section 182a of the Atomic Energy Act (the "Act") requires applicants for nuclear power plant operating licenses to state the 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 Fed. Reg. 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. 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 the intent of these criteria can be utilized to identify the optimum set of administrative controls in the TS.

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 TS 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 §50.59 or comparable regulatory controls exist.

Administrative controls in existing TS 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.

3.0 EVALUATION

The licensee proposed that the review and audit functions and frequencies specified in existing TS 6.5.2.8, 6.5.2.10.c, and 6.5.3.1 be relocated from the TS to the Quality Assurance Program (QAP) [FSAR Chapter 17], such that

future changes could 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 utility 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 TS. 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. 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 TS:

- a. 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 and ANSI N45.2 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).
- b. Records requirements for audits are addressed in equivalent detail in the licensee's 10 CFR Part 50, Appendix B QA program description and commitments to the guidance in ANSI N18.7. Therefore, duplicating the records requirements for review and audits in the TS is unnecessary. Control of changes to the QA program description are governed by the provisions of 10 CFR 50.54(a).

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, 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.

On this basis, the staff concludes that these provisions are not required to be in the TS under 10 CFR 50.36 or §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 staff finds that sufficient regulatory controls exist under 10 CFR 50.54 to adequately control future modifications to these provisions. Accordingly, the

staff has concluded that these requirements may be relocated from the TS to the respective licensee-controlled documents.

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 administrative procedures or requirements. 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.

6.0 CONCLUSION

The 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.

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Date: October 17, 1995