



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 161 TO FACILITY OPERATING LICENSE NPF-9
AND AMENDMENT NO. 143 TO FACILITY OPERATING LICENSE NPF-17

DUKE POWER COMPANY

MCGUIRE NUCLEAR STATION, UNITS 1 AND 2

DOCKET NOS. 50-369 AND 50-370

1.0 INTRODUCTION

By letter dated January 12, 1995, as supplemented by letter dated June 29, 1995, Duke Power Company (the licensee) submitted a request for changes to the McGuire Nuclear Station, Units 1 and 2, Technical Specifications (TS). The requested changes would revise and clarify portions of TS Section 6.0, "Administrative Controls." The June 29, 1995, letter provided clarifying information that did not change the scope of the January 12, 1995, application and the initial proposed no significant hazards consideration determination.

2.0 EVALUATION

Some of the licensee's requested changes would relocate the requirements for the review functions from the Administrative Controls section of the TS to the respective licensee-controlled documents.

Section 182a of the Atomic Energy Act (the "Act") requires applicants for nuclear power plant operating licenses to include TS 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

9512280132 951219
PDR ADOCK 05000369
P PDR

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 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 Safety Analysis Report (USAR), 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 functions 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 provisions should be relocated to the Quality Assurance Program described or referenced in the facility's USAR and controlled pursuant to 10 CFR 50.54.

The licensee proposed to relocate some TS administrative control provisions to the Duke Power Company Quality Assurance Program Topical Report, Amendment 20. 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 aspects as set forth below. As documented in the Final Policy Statement, these aspects 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.

On this basis, the staff concludes that the relocated provisions are not required to be in the TS under 10 CFR 50.36 or §182a of the 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.

A. McGuire

1. Section 6.5.1 - Technical Review and Control

With respect to the review and approval of subjects within Section 6.5.1, Duke proposes to delete the titles of individuals where specified. The titles are to be replaced by a general statement that "Approvals shall be by the head of the appropriate site organization, the head of the appropriate station organization, the head of the appropriate site engineering organization, the head of the environmental organization, or an alternate as specified in other applicable regulatory documents or administrative controls." The Duke Power Quality Assurance Program Topical Report, Amendment 20 (QAP) provides amplifying details on the station organizational structure. QAP section 17.3.2.2 defines the final approval authority for station modifications. Section 17.3.2.14 of the QAP defines the approval authority for changes to station Technical Specifications and for station procedures. Future changes to the QAP are under the control of 10 CFR 50.54(a). Duke stated that personnel performing the reviews will continue to meet the same qualification requirements of ANSI N18.1-1971. The staff finds the use of generic titles in the TS acceptable as the QAP contains sufficient controls to ensure that the reviews are performed by equally qualified personnel.

Duke Power also proposed to replace the description "qualified individual" with "knowledgeable individual" and the word "group" with "organization." The changes were proposed by Duke to eliminate confusion with the Duke Qualified Reviewer Program. These changes are acceptable as they are considered an editorial change.

2. Section 6.5.1 - Technical Review and Control

Duke Power proposes to delete a qualifying phrase with respect to the review of items by individuals/organization that states "but who may be from the same organization as the individual/group which prepared the ..." In addition, subsections 6.5.1.2, 6.5.1.3, and 6.5.1.4 have been renumbered. Section 6.5.1.4 has also been revised to state the reviews will be performed by "supervisory staff assigned to the site" rather than "site supervisory staff."

The staff finds these changes acceptable as the deletion of the phrases does not reduce the licensee's commitment and the renumbered sections are an editorial change. The requirement that the staff performing the reviews are assigned to the site is deemed an editorial change as the staff will have the same technical reporting relationship as the present arrangement; therefore, this change is also acceptable.

3. Section 6.5.1.6 - Reportable Events

Duke Power has deleted the requirement that the Manager, Safety Assurance shall assure that reports of Reportable Events are developed and transmitted to the Site Vice President, or designee, who approves such reports, and to the Director of the Nuclear Safety Review Board. This is replaced with a statement that "such reports shall be reviewed by a knowledgeable individual/organization other than the individual/organization which prepared the report."

The staff finds this change acceptable as we do not require that this subject be included in the TS.

4. Sections 6.5.1.8 and 6.5.1.9 (Previously deleted)

Duke proposes to renumber subsections 6.5.1.10 through 6.5.1.13 as 6.5.1.8 through 6.5.1.11.

The staff finds these proposed renumbering changes acceptable as the text of subsections 6.5.1.8 and 6.5.1.9 had been previously deleted and the renumbering is editorial in nature.

5. Sections 6.5.10 - 6.5.12

Duke Power proposes to revise the statement in each of these sections to state that "The Manager, Safety Assurance shall assure the performance..." with a statement "A knowledgeable individual/organization shall review..." and delete reference to who receives reports and recommendations.

The staff finds these requested changes acceptable as the staff does not require these review activities as part of the TS Technical Review and Control Program.

6. Section 6.5.2.6 - Nuclear Safety Review Board (NSRB)

Duke proposes to revise the NSRB meeting frequency from at least once per 6 months to twice per year.

The staff finds this change acceptable as it is consistent with that described in Section 4.3 of ANSI N18.7-1976, "Administrative Controls for the Operational Phase of Nuclear Power Plants" that has been endorsed by Regulatory Guide 1.33.

7. Section 6.5.2.8 - NSRB

Duke Power proposes to delete the requirement that the NSRB shall review proposed changes to TS or the Operating License. This requirement will remain in the Final Safety Analysis Report (FSAR) Chapter 16 Selected Licensee Commitments (SLC) 16.13-2 and will be subject to the requirements of 50.54(a). Duke added a statement in the QAP, Revision 20, Section 17.3.3.2.1 that the NSRB "reviews proposed changes to the stations' technical specifications and operating licenses."

The staff finds this change acceptable as the requirement for the NSRB to review proposed changes to the TS and Operating License will be relocated to the QAP. Future changes to the QAP will be controlled in accordance with 10 CFR 50.54(a).

8. Section 6.8.1 - Procedures and Programs

Duke has added requirements to this section that procedures shall be established, implemented, and maintained for the implementation of the Technical Review and Control Program and the Plant Operations Review Committee.

The staff finds this proposed addition acceptable.

9. Miscellaneous

Duke has made editorial changes to Sections 6.5.2.7, 6.5.2.8, 6.8.3.f, and 6.10.2.j.

The staff finds these changes acceptable as they are editorial in nature.

3.0 STAFF CONCLUSION

The staff finds the requested changes acceptable as noted above as they meet the appropriate acceptance criteria of Section 13.4 of NUREG-0800, the Standard Review Plan, and conform to the Improved Standard Technical Specifications (ISTS).

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change 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)(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.

6.0 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.

Principal Contributor: Robert Gramm

Date: December 19, 1995