



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 107 TO FACILITY OPERATING LICENSE NO. NPF-30

UNION ELECTRIC COMPANY

CALLAWAY PLANT, UNIT NO. 1

DOCKET NO. 50-483

1.0 INTRODUCTION

By letter dated June 21, 1994, as amended by letter dated October 23, 1995, Union Electric Company (the licensee) submitted a request for changes to the Callaway Plant, Unit No. 1 technical specifications (TS). The requested changes would relocate the review and audit requirements of the On-site Review Committee (ORC) and Nuclear Safety Review Board (NSRB) contained in TS 6.5.1, TS 6.5.2, and TS 6.5.3 to the Operational Quality Assurance Manual (OQAM). Under the Operational Quality Assurance Program, any program changes are performed in accordance with 10 CFR 50.54(a). In addition, the proposed amendment would delete reference to the Manager, Nuclear Safety and Emergency Preparedness, in TS 6.2.3. Effective July 1, 1994, the position was eliminated from the organization and the responsibilities were divided between the Manager, Quality Assurance, and the Manager, Emergency Preparedness and Organizational Support. A revision to the Index was proposed to reflect the relocations.

2.0 BACKGROUND

Section 182a of the Atomic Energy Act (the Act) requires applicants for nuclear power plant operating licenses to state TS as part of the application. These TS shall be a part of any license issued. 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 Section 182a of the Act and 10 CFR 50.36. These criteria were subsequently incorporated into the regulations by an amendment to 10 CFR 50.36 (60 FR 36953, July 19, 1995). 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 proceeding, 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 four criteria defined by 10 CFR 50.36 for determining whether particular limiting conditions for operation are required to be included in the TS are: (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; and (4) a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety.

Although the above criteria were defined for limiting conditions for operation, the supplementary information related to the 10 CFR 50.36 rulemaking included a discussion of requirements found in the design features and administrative controls sections of TS. It was stated that the intent of the criteria can be utilized to identify the optimum set of administrative controls in the TS and to eliminate redundancy to other regulations consistent with the minimum requirements of Section 50.36 and the Act. The relocation of those TS requirements determined to be redundant to other regulatory controls reduces the resources spent by licensees and the NRC staff in preparing and reviewing license amendment requests. The quality assurance program is a logical candidate for such relocations due to the existence of NRC-approved quality assurance plans and industry standards, and the established QA program change control process contained in 10 CFR 50.54(a).

As discussed in the final policy statement and 50.36 rulemaking, provisions relocated from the TS should be incorporated into a licensee-controlled program or document that provides adequate control over changes to these provisions and that provides for prior NRC review and approval if an established regulatory threshold is exceeded. Accordingly, the affected quality-assurance-related TS requirements should be relocated to the Quality Assurance Plan described or referenced in the facility's USAR and be 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 6.5.1, 6.5.2 and 6.5.3, for the On-site Review Committee (ORC) and Nuclear Safety Review Board (NSRB) be relocated from the TS to the OQAM. Under the Operational Quality Assurance Program, any program

changes are performed in accordance with 10 CFR 50.54(a). These particular provisions do not satisfy any of the four criteria of 10 CFR 50.36 and need not be located in TS, 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 four criteria set forth in 10 CFR 50.36, 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. The following considerations support relocating these items from the TS:

- a. The on-site review function, composition, alternate membership, meeting frequency, quorum, responsibilities, authority and records for the ORC are all covered in equivalent detail in the licensee's 10 CFR 50, Appendix B QA program description and associated commitment to the guidance in ANSI N18.7. Control of changes to the QA program description are governed by the provisions of 10 CFR 50.54(a).
- b. The off-site review group, the NSRB, is also 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 review and audit function of the off-site review group in the TS is unnecessary. Control of changes to the QA program description are governed by the provisions of 10 CFR 50.54(a).
- c. The existing TS describe the station audit function and provide audit frequencies for a variety of safety-related audits. The licensee has proposed to remove the audit requirements from the TS and relocate them to the QA plan. Instead of relocating the audit frequencies intact from the TS, the licensee has incorporated a performance-based audit frequency provision with a maximum interval of 24 months. Performance-based audit frequencies are those that are determined based upon operations of plant activities, trends of plant performance parameters, personnel performance trends, third-party observations, and management judgment. In addition to the performance-based audits, the licensee has maintained the current TS frequency related to the triennial audit of the fire protection program by an outside consultant. This item is in accordance with the staff's position as provided in a September 1, 1995, letter to the licensee. The staff finds the proposed changes in audit frequencies acceptable.

Some audit and review requirements are addressed specifically by regulations such as 10 CFR 50 Appendix B, 10 CFR 50.54(p) and (t), and

10 CFR 50.73. Considering the licensee's revised QA plan, which the staff accepted by letter dated December 5, 1995, and the requirements addressed by the regulations, duplication of the audit requirements in the TS is not necessary. Changes to the audit frequencies relocated to the QA plan are adequately governed by the provisions of 10 CFR 50.54(a).

- d. Records requirements for reviews and 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. The Index was revised to reflect the relocations.

In addition to the changes addressed above, the licensee proposed to delete reference to the Manager, Nuclear Safety and Emergency Preparedness in TS 6.2.3. The deletion is acceptable, since effective July 1, 1994, the position was eliminated from the organization, with responsibilities divided between the Manager, Quality Assurance and the Manager, Emergency Preparedness and Organizational Support.

On this basis, the staff concludes that these provisions are not required to be in the TS 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 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 Missouri State official was notified of the proposed issuance of the amendment. The State official had no comment.

#### 5.0 ENVIRONMENTAL CONSIDERATION

This amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment 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 amendment.

#### 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.

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