



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NOS. 181 AND 162 TO FACILITY OPERATING
LICENSE NOS. DPR-70 AND DPR-75
PUBLIC SERVICE ELECTRIC & GAS COMPANY
PHILADELPHIA ELECTRIC COMPANY
DELMARVA POWER AND LIGHT COMPANY
ATLANTIC CITY ELECTRIC COMPANY
SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2
DOCKET NOS. 50-272 AND 50-311

1.0 INTRODUCTION

By letter dated April 13, 1994, as supplemented December 6, 1995, the Public Service Electric & Gas Company (the licensee) submitted a request for changes to the Salem Nuclear Generating Station, Unit Nos. 1 and 2, Technical Specifications (TS). The requested changes would revise the Administrative Controls Section of the TS and revise the Updated Final Safety Analysis Report (UFSAR) Section 1.8 (conformance to Regulatory Guides [RG]), 13.4.2 (Audits), and 17.2 (Quality Assurance Audits). The December 6, 1995, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination nor the original Federal Register notice.

2.0 BACKGROUND

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 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 36593 (July 19, 1995). As a result, TS requirements which fall within or satisfy any of the criteria in the Final 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.

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 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 USAR 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 6.5.2.4.3, including specific audit requirements for the Fire Protection program, be relocated from the TS to the Quality Assurance Program (QAP) UFSAR, 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. The security and emergency plans' review and audit functions 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 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 licensee had proposed a 25% extension to the biennial audit frequency to provide flexibility in scheduling audits. The staff informed the licensee that the requested 25% extension was unacceptable as it did not meet ANSI 18.7-1976. By letter dated December 6, 1995, the licensee withdrew the request for the 25% extension.

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). The licensee proposed to delete the audit frequency from TS 6.5.2.4.3.a. through d., and h. through j.

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.

In TS 6.5.1.6, 6.5.2.4.3.e. and f., and 6.8.2 the licensee proposes to relocate the requirements to establish, implement, and maintain procedures related to the Emergency Plan and Security Plan, 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 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 staff has concluded that the existing TS requirements can be relocated to the respective plans, and removed from the TS. 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 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 New Jersey State official was notified of the proposed issuance of the amendments. The State official, in a letter dated June 27, 1994, objected to the April 13, 1994, proposed change because the State believed that the licensee was requesting a frequency of two years for all audits, except audits of the security and emergency plans. The NRC agreed that the licensee's proposal was misleading and asked that the licensee clarify its proposal. By letter dated December 6, 1995, the

licensee clearly stated that it was proposing an audit frequency based on performance. The State, by telephone call on January 5, 1996, told the NRC that it was satisfied with the licensee's clarification letter. The December 6, 1995, clarification formed part of the basis for the staff's acceptance of the licensee's proposal.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change WP, 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 Contributors: F. Allenspach
M. Payne

Date: March 11, 1996