

April 6, 2001  
NG-01-0442

Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Mail Station 0-P1-17  
Washington, DC 20555-0001

Subject: Duane Arnold Energy Center  
Docket No: 50-331  
Op. License No: DPR-49  
Technical Specification Change Request (TSCR-046):  
"Bases Control Program"  
Reference: NRC letter dated June 16, 2000 to J. Davis, Director  
Operations Department - Nuclear Energy Institute  
File: A-117

In accordance with the Code of Federal Regulations, Title 10, Sections 50.59 and 50.90, Nuclear Management Company, LLC (NMC) hereby requests revision to the Technical Specifications (TS) for the Duane Arnold Energy Center (DAEC). The proposed change, TSCR-046, revises TS 5.5.10, "Technical Specifications (TS) Bases Control Program," to provide consistency with changes to 10 CFR 50.59 as published in the Federal Register (64 FR 53582) dated October 4, 1999.

This change is consistent with the Nuclear Energy Institute (NEI) Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-364, Revision 0, "Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59." The approval of TSTF-364, Revision 0 was documented in the referenced letter. TSCR-046 also incorporates an editorial change (WOG-ED-24) to TSTF-364 Revision 0.

TSCR-046 is consistent with Amendments recently approved for Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Amendment Nos. 224 and 165 issued March 6, 2001).

The Evaluation of Change Pursuant to 10 CFR 50.92 is provided in Attachment 1. As defined by 10 CFR 50.92, NMC has determined that the proposed change does not involve a significant hazards consideration. The proposed change is provided in Attachment 2. Attachments 3 and 4 provide the Safety Assessment and Environmental Consideration.

April 6, 2001

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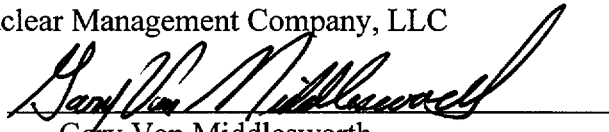
Page 2

This application has been reviewed by the DAEC Operations Committee and the Safety Committee. A copy of this submittal, along with the 10 CFR 50.92 evaluation of "No Significant Hazards Consideration," is being forwarded to our appointed state official pursuant to 10 CFR Section 50.91. This change is administrative in nature and will ensure consistency between the DAEC Technical Specifications and 10 CFR 50.59. The DAEC's implementation of the 10 CFR 50.59 rule change is currently scheduled for July 30, 2001.

This letter is true and accurate to the best of my knowledge and belief.

Nuclear Management Company, LLC

By

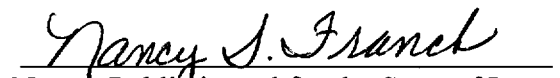


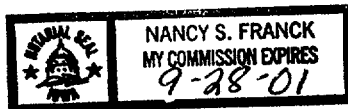
Gary Van Middlesworth  
DAEC Site Vice-President

State of Iowa  
(County) of Linn

Signed and sworn to before me on this 6<sup>th</sup> day of April, 2001,

by Gary Van Middlesworth.

  
Notary Public in and for the State of Iowa



9-28-01  
Commission Expires

Attachments:

1. Evaluation of Change Pursuant to 10 CFR Section 50.92
2. Proposed Change TSCR-046 to the Duane Arnold Energy Center Technical Specifications
3. Safety Assessment
4. Environmental Consideration

cc: C. Rushworth (w/a)  
M. Wadley (w/o)  
B. Mozafari (NRC-NRR) (w/a)  
J. Dyer (Region III) (w/a)  
D. McGhee (State of Iowa) (w/a)  
NRC Resident Office (w/a)  
Docu (w/a)

EVALUATION OF CHANGE PURSUANT TO 10 CFR SECTION 50.92Background:

10 CFR 50.59 establishes the conditions under which licensees may make changes to the facility or procedures and conduct tests or experiments without prior NRC approval. A proposed revision to the rule was published in the Federal Register (64FR53582 dated October 4, 1999) controlling changes, tests and experiments performed by nuclear plant licensees. The revision was prompted by the need to resolve differences in interpretation of the rule's requirements by the industry and the NRC. One of the changes to 10 CFR 50.59 is the elimination of the definition of unreviewed safety question.

The Bases Control Program required by TS 5.5.10 allows licensees to make changes to the Bases without prior NRC approval provided the changes do not involve a change in the TS, or a change to the UFSAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59. Since the definition of unreviewed safety question is eliminated in the revised rule, the TS should be changed to be consistent with this revision to 10 CFR 50.59.

Nuclear Management Company, LLC, Docket No. 50-331,  
Duane Arnold Energy Center, Linn County, Iowa  
Date of Amendment Request: April 6, 2001

Description of Amendment Request:

The amendment will revise TS 5.5.10, "Technical Specifications (TS) Bases Control Program," to provide consistency with the changes to 10 CFR 50.59 as published in the Federal Register (64 FR 53582) dated October 4, 1999.

TS 5.5.10.b.2. is revised to state: "A change to the UFSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59." In TS 5.5.10.b, a minor editorial change replaces the phrase "changes do not involve" with "changes do not require."

This change is consistent with the Nuclear Energy Institute (NEI) Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-364 Revision 0, "Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59." The approval of TSTF-364 Revision 0 was documented in NRC letter to Mr. James W. Davis, Director Operations Department - NEI dated June 16, 2000.

Basis for proposed No Significant Hazards Consideration:

The Commission has provided standards (10 CFR Section 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant

reduction in a margin of safety.

After reviewing this proposed amendment, NMC has concluded:

- 1) The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change deletes the reference to unreviewed safety question as defined in 10 CFR 50.59. Deletion of the definition of unreviewed safety question was approved by the NRC with the revision of 10 CFR 50.59. Consequently, the probability of an accident previously evaluated is not significantly increased. Changes to the TS Bases are still evaluated in accordance with 10 CFR 50.59. As a result, the consequences of any accident previously evaluated are not significantly affected. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

- 2) The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

- 3) The proposed amendment will not involve a significant reduction in a margin of safety.

The proposed change will not reduce a margin of safety because it has no direct effect on any safety analyses assumptions. Changes to the TS Bases that result in meeting the criteria in paragraph 10 CFR 50.59 (c)(2) will still require NRC approval pursuant to 10 CFR 50.59. This change is administrative in nature based on the revision to 10 CFR 50.59. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based upon the above, NMC has determined that the proposed amendment will not involve a significant hazards consideration.

Local Public Document Room Location: Cedar Rapids Public Library, 500 First Street SE,  
Cedar Rapids, Iowa 52401

Attorney for Licensee: Al Gutterman; Morgan, Lewis & Bockius, 1800 M Street NW,  
Washington, D.C. 20036-5869

Proposed Change TSCR-046 to the Duane Arnold Energy Center  
Technical Specifications

The holders of license DPR-49 for the Duane Arnold Energy Center propose to amend the Technical Specifications by deleting the referenced page and replacing it with the enclosed new page.

<u>Page</u>	<u>Description of Changes</u>
Page 5.0-16	TS Section 5.5.10 "Technical Specifications (TS) Bases Control Program" is changed to reflect revision to 10 CFR 50.59 which eliminated definition of unreviewed safety question.

## 5.5 Programs and Manuals (continued)

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### 5.5.10 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not ~~involve~~ <sup>require</sup> either of the following:
  1. A change in the TS incorporated in the license; or
  2. A change to the UFSAR or Bases that ~~involves an~~ <sup>requires NRC</sup> ~~unreviewed safety question as defined in 10 CFR 50.59.~~ <sup>approval pursuant to</sup>
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the UFSAR.
- d. Proposed changes that meet the criteria of Specification 5.5.10b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).

### 5.5.11 Safety Function Determination Program (SFDP)

This program ensures loss of safety function is detected and appropriate actions taken. Upon entry into LCO 3.0.6, an evaluation shall be made to determine if loss of safety function exists. Additionally, other appropriate limitations and remedial or compensatory actions may be identified to be taken as a result of the support system inoperability and corresponding exception to entering supported system Condition and Required Actions. This program implements the requirements of LCO 3.0.6.

- a. The SFDP shall contain the following:
  1. Provisions for cross division checks to ensure a loss of the capability to perform the safety function assumed in the accident analysis does not go undetected;

(continued)

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5.5 Programs and Manuals (continued)

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5.5.10 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
  1. A change in the TS incorporated in the license; or
  2. A change to the UFSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the UFSAR.
- d. Proposed changes that meet the criteria of Specification 5.5.10b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).

5.5.11 Safety Function Determination Program (SFDP)

This program ensures loss of safety function is detected and appropriate actions taken. Upon entry into LCO 3.0.6, an evaluation shall be made to determine if loss of safety function exists. Additionally, other appropriate limitations and remedial or compensatory actions may be identified to be taken as a result of the support system inoperability and corresponding exception to entering supported system Condition and Required Actions. This program implements the requirements of LCO 3.0.6.

- a. The SFDP shall contain the following:
  1. Provisions for cross division checks to ensure a loss of the capability to perform the safety function assumed in the accident analysis does not go undetected;

(continued)

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## SAFETY ASSESSMENT

By letter dated April 6, 2001, Nuclear Management Company, LLC (NMC) submitted a request for revision of the Technical Specifications (TS) for the Duane Arnold Energy Center (DAEC).

The amendment will revise TS 5.5.10, "Technical Specifications (TS) Bases Control Program," to provide consistency with the changes to 10 CFR 50.59 as published in the Federal Register (64 FR 53582) dated October 4, 1999.

TS 5.5.10.b.2. is revised to state: "A change to the UFSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59." In TS 5.5.10.b, a minor editorial change replaces the phrase "changes do not involve" with "changes do not require."

### Background

10 CFR 50.59 establishes the conditions under which licensees may make changes to the facility or procedures and conduct tests or experiments without prior NRC approval.

In 1999, the NRC revised the regulation (64 FR 53582 dated October 4, 1999) controlling changes, tests and experiments performed by nuclear plant licensees. The revision was prompted by the need to resolve differences in interpretation of the rule's requirements by the industry and the NRC. The rule changes had two principal objectives, both aimed at restoring much needed regulatory stability to this extensively used regulation:

- Establish clear definitions to promote common understanding of the rule's requirements.
- Clarify the criteria for determining when changes, tests and experiments require prior NRC approval.

The changes approved by the Commission in 1999 made 10 CFR 50.59 more focused and efficient by:

- Providing greater flexibility to licensees, primarily by allowing changes that have minimal safety impact to be made without prior NRC approval.
- Clarifying the threshold for "screening out" changes that do not require full evaluation under 10 CFR 50.59, primarily by adoption of key definitions.

Proposed changes, tests and experiments that satisfy the definitions and one or more of the criteria in the rule must be reviewed and approved by the NRC before implementation.

### Basis for Change

The Bases Control Program required by TS 5.5.10 allows licensees to make changes to the Bases without prior NRC approval provided the changes do not involve a change in the TS, or a change to the UFSAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59. With



the revisions to 10 CFR 50.59, the definition of unreviewed safety question was eliminated. Therefore, the TS should be revised consistent with the revision to 10 CFR 50.59.

The NRC amended its regulations concerning the authority for licensees of production or utilization facilities, such as nuclear reactors, and independent spent fuel storage facilities, and for certificate holders for spent fuel storage casks, to make changes to the facility or procedures, or to conduct tests or experiments, without prior NRC approval. The final rule clarifies the specific types of changes, tests, and experiments conducted at a licensed facility or by a certificate holder that require evaluation, and revises the criteria that licensees and certificate holders must use to determine when NRC approval is needed before such changes, tests, or experiments can be implemented. The final rule also adds definitions for terms that have been subject to differing interpretations, and reorganizes the rule language for clarity.

10 CFR 50.59 was revised to state, in part:

- (c) (1) A licensee may make changes in the facility as described in the final safety analysis report (as updated), make changes in the procedures as described in the final safety analysis report (as updated), and conduct tests or experiments not described in the final safety analysis report (as updated) without obtaining a license amendment pursuant to Section 50.90 only if:
  - (i) A change to the technical specifications incorporated in the license is not required, and
  - (ii) The change, test, or experiment does not meet any of the criteria in paragraph (c)(2) of this section.
- (2) A licensee shall obtain a license amendment pursuant to Section 50.90 prior to implementing a proposed change, test, or experiment if the change, test, or experiment would:
  - (i) Result in more than a minimal increase in the frequency of occurrence of an accident previously evaluated in the final safety analysis report (as updated);
  - (ii) Result in more than a minimal increase in the likelihood of occurrence of a malfunction of a structure, system, or component (SSC) important to safety previously evaluated in the final safety analysis report (as updated);
  - (iii) Result in more than a minimal increase in the consequences of an accident previously evaluated in the final safety analysis report (as updated);
  - (iv) Result in more than a minimal increase in the consequences of a malfunction of an SSC important to safety previously evaluated in the final safety analysis report (as updated);
  - (v) Create a possibility for an accident of a different type than any previously evaluated in the final safety analysis report (as updated);

- (vi) Create a possibility for a malfunction of an SSC important to safety with a different result than any previously evaluated in the final safety analysis report (as updated);
- (vii) Result in a design basis limit for a fission product barrier as described in the FSAR (as updated) being exceeded or altered; or
- (viii) Result in a departure from a method of evaluation described in the FSAR (as updated) used in establishing the design bases or in the safety analyses.

The proposed change deletes the reference to unreviewed safety question as defined in 10 CFR 50.59. Deletion of the definition of unreviewed safety question was approved by the NRC with the revision of 10 CFR 50.59. Changes to the TS Bases are still evaluated in accordance with 10 CFR 50.59. Changes to the TS Bases that result in meeting the criteria in paragraph 10 CFR 50.59 (c)(2) will still require NRC approval pursuant to 10 CFR 50.59. This change is administrative in nature based on the revision to 10 CFR 50.59.

### ENVIRONMENTAL CONSIDERATION

10 CFR Section 51.22(c)(9) identifies certain licensing and regulatory actions which are eligible for categorical exclusion from the requirement to perform an environmental assessment. A proposed amendment to an operating license for a facility requires no environmental assessment if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant hazards consideration; (2) result in a significant change in the types or significant increase in the amounts of any effluents that may be released offsite; and (3) result in a significant increase in individual or cumulative occupational radiation exposure. Nuclear Management Company, LLC has reviewed this request and determined that the proposed amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR Section 51.22(c)(9). Pursuant to 10 CFR Section 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the amendment. The basis for this determination follows:

#### Basis

The change meets the eligibility criteria for categorical exclusion set forth in 10 CFR Section 51.22(c)(9) for the following reasons:

1. As demonstrated in Attachment 1 to this letter, the proposed amendment does not involve a significant hazards consideration.
2. The proposed change to the TS Bases Control Program does not alter any design requirements, equipment specifications or safety analyses modeling assumptions. The change does not require any hardware modifications. The plant operating procedures are not impacted. Therefore, this change will not result in a significant change in the types or significant increase in the amounts of any effluents that may be released offsite.
3. The proposed change to the TS Bases Control Program does not alter any design requirements, equipment specifications or safety analyses modeling assumptions. The change does not require any hardware modifications. The plant operating procedures are not impacted. Therefore, this change will not result in a significant increase in individual or cumulative occupational radiation exposure.