

May 15, 2001

Mr. Merrill Atkins
Regulatory Affairs Manager
Yankee Atomic Electric Company
Midstate Office Park Suite 200/210
Auburn, MA 01501

SUBJECT: YANKEE NUCLEAR POWER STATION - ISSUANCE OF AMENDMENT RE:
TRANSFER OF CERTAIN ADMINISTRATIVE REQUIREMENTS FROM THE
DEFUELED TECHNICAL SPECIFICATIONS TO THE DECOMMISSIONING
QUALITY ASSURANCE PROGRAM (TAC NO. MA0929)

Dear Mr. Atkins:

The Commission has issued the enclosed Amendment No. 155 to Possession Only License No. DPR-3 for the Yankee Nuclear Power Station (YNPS). This amendment is in response to your application dated November 22, 2000.

The amendment relocates certain administrative requirements from the YNPS Defueled Technical Specifications to the YNPS Decommissioning Quality Assurance Program (YDQAP). Additional editorial changes to titles and designations are also made.

A copy of our related Safety Evaluation is enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

John B. Hickman, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-29

Enclosures: 1. Amendment No. 155 to DPR-3
2. Safety Evaluation

cc w/encls: See next page

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Yankee Atomic Electric Company

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YANKEE ATOMIC ELECTRIC COMPANY

DOCKET NO. 50-29

YANKEE NUCLEAR POWER STATION

AMENDMENT TO POSSESSION ONLY LICENSE

Amendment No. 155

License No. DPR-3

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for amendment filed by Yankee Atomic Electric Company (the licensee) dated November 22, 2000, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will be maintained in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Possession Only License No. DPR-3 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 155, are hereby incorporated in the license. The licensee shall possess and maintain the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Stephen Dembek, Chief, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: May 15, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 155

POSSESSION ONLY LICENSE NO. DPR-3

DOCKET NO. 50-29

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

B 3/4-4
6-5
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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 155 TO POSSESSION ONLY LICENSE NO. DPR-3
YANKEE ATOMIC ELECTRIC COMPANY
YANKEE NUCLEAR POWER STATION
DOCKET NO. 50-29

1.0 INTRODUCTION

By application dated November 22, 2000, the Yankee Atomic Electric Company (YAEC or licensee) requested changes to the Yankee Nuclear Power Station (YNPS or Rowe) Technical Specifications (TSs). The proposed changes would remove Section 6.5 "Review and Audit", Section 6.7, "Procedures and Programs" and Section 6.9, "Record Retention" from the YNPS Technical Specifications (TS), and transfer them verbatim to the Yankee Decommissioning Quality Assurance Program (YDQAP). The administrative language contained in Sections 6.5, 6.7, and 6.9 of the TSs was incorporated in Revision 30 of the YDQAP as Appendix D.

An editorial change has also been proposed to the last sentence of Bases Section B314.2 to replace an obsolete reference to the Plant Onsite Review Committee (PORC) with Independent Safety Reviewer (ISR) and to indicate that the ISR performs a review function whereas the approval is provided by the Decommissioning Manager or designee. The Independent Safety Review process replaced PORC in an earlier amendment issued June 20, 2000. Lastly, an editorial change has been proposed to Sections 6.12.1.b and 6.13.1.b to add the phrase "or a designee" following Decommissioning Manager. This operational flexibility was intended to be included with the earlier amendment issued June 20, 2000, and is consistent with existing terminology such as that used in Sections 6.5.1.b, 6.5.2.e.1 and 6.5.2.e.2.

2.0 BACKGROUND

Section 182.a of the Atomic Energy Act of 1954, as amended, (the "Act") requires that applicants for nuclear power plant operating licenses state that TS will be included as part of the license. The Commission's regulatory requirements related to the content of TSs 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 operations (LCOs); (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 TSs.

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 182.a 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 stated:

There is neither a statutory nor a regulatory requirement that every operational detail set forth in an applicant's safety analysis report (or equivalent) be subject to a technical specification, to be included in the license as an absolute condition of operation which is legally binding upon the licensee unless and until changed with specific Commission approval. Rather, as best we can discern it, the contemplation of both the Act and the regulations is 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 safety functions 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 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 those existing TS LCOs 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, QAP, and Emergency Plan) and controlled by the applicable regulatory requirement. Similarly, while the required content of TS administrative controls is specified in 10 CFR 50.36(c)(5), particular details of administrative controls may be relocated to licensee-controlled documents where 10 CFR 50.54, 10 CFR 50.59, or other regulations provide adequate regulatory control.

While the criteria specifically apply to LCOs, in adopting the revision to the rules, the Commission indicated that the intent of these criteria can be utilized to identify the optimum set of administrative controls in the TS (60 FR 36958). Addressing administrative controls, 10 CFR 50.36 states that they are "the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner." The specific content of the administrative controls section of the TS is, therefore, that information which the Commission deems essential for the safe operation of the facility and which is not already adequately covered by other regulations. Accordingly,

the staff has determined that requirements that are not specifically required under 10 CFR 50.36(c)(5), and are not otherwise necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety, can be removed from administrative controls.

Relocating the specific requirements of the onsite and offsite review committees, along with their associated audit and related recordkeeping requirements from the TSs to the Quality Assurance chapter of the Final Safety Analysis Report (FSAR) allows these requirements to be controlled by the 10 CFR 50.54(a) change process rather than the TS amendment process. This can reduce the resources spent by the licensee and the NRC staff in preparing and reviewing license amendment requests.

3.0 EVALUATION

The following discussion describes the staff's conclusions regarding the removal or relocation of selected Administrative Controls from the TS for the YNPS. The changes were reviewed in accordance with the guidance provided in Administrative Letter 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," issued on December 12, 1995.

3.1 Review and Audit

The licensee proposed that the review and audit functions specified in the existing TS 6.5 be relocated verbatim from the TS to the YDQAP such that future changes could be made pursuant to 10 CFR 50.54(a).

Section 13.4, "Operational Review," of NUREG-0800 (Standard Review Plan [SRP]), provides the acceptance criteria used by the staff to evaluate TS provisions related to the plant staff review of operational activities performed by licensee organizational units fulfilling the review and audit function. This acceptance criterion is based on meeting the relevant requirements of 10 CFR 50.40(b) as it relates to the licensee being technically qualified to engage in licensed activities, and of Appendix B to 10 CFR Part 50 as it relates to the review and audit functions required by the licensee's quality assurance program. Therefore, TS provisions associated with the review and audit function satisfies the criteria in both 10 CFR 50.36(c)(6), and Appendix B to 10 CFR Part 50. As stated above, however, these provisions do not satisfy the current criteria for inclusion in the TS and therefore can be relocated to the licensee's QA program description.

This approach is consistent with AL 95-06 which provides guidance for relocating TS administrative requirements. This approach would also result in an equivalent level of regulatory authority while providing for a more appropriate change control process. On this basis, the staff has concluded that the review and audit functions identified above are not required to be included in the TS to protect public health and safety and may be relocated to the YDQAP.

3.2 Procedures and Programs

The licensee proposed to relocate verbatim the requirements for procedure changes and temporary procedure changes from TS 6.7 to the YDQAP. The licensee states that any future changes associated with the procedure requirements will be controlled under 10 CFR 50.54(a). This approach is consistent with AL 95-06, which provides guidance for relocating TS administrative requirements. On this basis, the staff has concluded that the procedure review functions identified above are not required to be included in the TS to protect public health and safety, and therefore may be relocated to the YDQAP.

3.3 Record Retention

The licensee proposed to relocate verbatim the record retention requirements from TS 6.9, "Record Retention," to the YDQAP. Once relocated to the YDQAP, future changes to these record retention requirements will be adequately addressed by 10 CFR 50.54(a). In addition to specific record retention commitments in the YDQAP, the licensee is committed, with minor exceptions, to ANSI N18.7-1976, "Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants," and ANSI N45.2.9-1974, "Requirements for Collection, Storage and Maintenance of Quality Assurance Records for Nuclear Power Plants," (as endorsed by Regulatory Guide 1.88, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," Revision 2) to satisfy the regulatory requirements of 10 CFR Part 50, Appendix B, Criteria XVII, "Quality Assurance Records."

The licensee states that any future changes to the record retention provisions in the YDQAP will be made in accordance with 10 CFR 50.54(a). In addition, numerous other regulations such as 10 CFR Part 20, Subpart L, and 10 CFR 50.71 require the retention of certain records related to operation of the nuclear plant. This approach is consistent with AL 95-06 which provides guidance for relocating TS administrative requirements. On this basis, the staff has concluded that the record retention functions identified above are not required to be included in the TS to protect the public health and safety, and therefore may be relocated to the YDQAP.

3.4 Editorial Changes

The licensee proposed an editorial change to the last sentence of Bases Section B3/4.2 to replace a reference to PORC (Plant Onsite Review Committee) with Independent Safety Reviewer (ISR) and to indicate that the ISR performs a review function whereas the approval is provided by the Decommissioning Manager or designee. This change is consistent with an earlier amendment which replaced the PORC with the ISR and is a Bases change which does not require NRC approval.

The licensee also proposed an editorial change to TS Sections 6.12.1.b and 6.13.1.b to add the phrase "or a designee" following "Decommissioning Manager." This change provides operational flexibility, is consistent with a prior license amendment dated June 20, 2000, and with similar references elsewhere in the TS, and is administrative in nature. Based on the above, the proposed change is acceptable.

3.5 Summary

The staff evaluated the licensee's proposal and concluded that the proposed relocation of QA related administrative control provisions (Section 6.5, "Review and Audit," Section 6.7, "Procedures and Programs," and Section 6.9, "Records Retention") from the TS to the YDQAP satisfies AL 95-06 provisions and 10 CFR 50.36 requirements and, once relocated to the YDQAP and controlled pursuant to 10 CFR 50.54(a), constitute the bases for the licensee's continued compliance with the requirements of Appendix B to 10 CFR Part 50.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

This amendment relates to changes in recordkeeping, reporting, or 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 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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: John B. Hickman

Date: May 15, 2001