



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

QUALITY ASSURANCE PROGRAM DESCRIPTION CHANGE

DAIRYLAND POWER COOPERATIVE

LA CROSSE BOILING WATER REACTOR

DOCKET NOS. 50-409

1.0 INTRODUCTION

By letter dated April 10, 1996, and as supplemented by letters dated July 30, 1996, and November 5, 1996, Dairyland Power Cooperative (DPC) requested changes to the facility Quality Assurance Program Description (QAPD) and relocation of Technical Specification (TS) Sections, 6.5 "Review and Audit", 6.6 "Procedures", and 6.9 "Record Retention" to the QAPD. These proposed changes reflect the permanently shutdown and defueled status of the facility. Concurrently, DPC requested TS changes to implement the proposed relocations. The new proposed QAPD and the acceptability of the proposed relocations from the TS to the QAPD are evaluated herein. The TS changes are evaluated in License Amendment No. 69. Both this approval of the changes to the QAPD and the license amendment will be issued on the same date and implemented within 30 days of issuance.

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 TSs are set forth in 10 CFR 50.36. That regulation requires that the TSs include items in five specific categories, including (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation (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.

Section 50.36 provides, with respect to limiting conditions for operations (LCO), four criteria to be used in determining whether particular safety functions are required to be included in the TSs. While the four criteria specifically apply to LCOs, in adopting the revision to the rule the Commission indicated that the intent of these criteria can be utilized to identify the optimum set of administrative controls in the TSs, (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 safe operation of the facility in a safe manner." The specific content of the administrative controls section of the TSs is therefore that information that the Commission deems essential for the safe operation of the facility that is not already adequately covered by other regulations. Accordingly, the staff

has determined that requirements that are not specifically required under §50.36(c)(5) and that 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. Existing TSs requirements therefore, 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. Similarly, while the required content of TSs administrative controls is specified in 10 CFR 50.36(c)(5), particular details of administrative controls may be relocated to licensee-controlled documents where §50.54, §50.59, or other regulations provide adequate regulatory control.

3.0 EVALUATION

3.1 Technical Specification Changes

By letter dated December 12, 1995, the staff issued NRC Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance." AL 95-06 provided information regarding recent experience involving the relocation of TSs administrative controls related to quality assurance. In AL 95-06, the staff compared the content of typical TSs administrative controls related to quality assurance requirements, for those plants that have not converted to the Improved Standard Technical Specifications (ISTS), with established staff positions and recent amendment requests. On the basis of this review, the staff provided several observations in order to assist those licensees considering an amendment request related to quality assurance requirements.

The licensee's April 10, 1996, letter to the NRC, as supplemented on July 30, 1996, and November 4, 1996, proposed to relocate the administrative controls related to TSs 6.5 "Review and audit", 6.6 "Procedures", and 6.9 "Record Retention", to the QAPD.

This change is in accordance with the guidance contained in AL 95-06, which stated that TSs requirements related to review and audit requirements may be relocated to the quality assurance plan. The quality assurance program is a logical candidate for such relocations due to the controls imposed by such regulations as Appendix B to 10 CFR Part 50, the existence of NRC-approved quality assurance plans and commitments to industry quality assurance standards, and the established quality assurance program change control process in 10 CFR 50.54(a).

The staff has reviewed the proposed TSs changes and their relocation to the QAPD and has concluded that the current TSs described above are not required by 10 CFR 50.36, 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. Further, they do not fall within any of the four criteria set forth in the Commission's "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" (Final Policy Statement), 58 Federal Register 39137 (July 22, 1993), in which the Commission indicated that compliance with the Final Policy Statement satisfies

Section 182a of the Atomic Energy Act. Accordingly the functions related to review and audit, procedures, and record retention do not need to be controlled by the TSs because an equivalent level of control can be achieved by the QAPD while providing for a more appropriate change control process. Specifically, change control for the relocated TSs provisions, proposed by the licensee from the current TSs to the QA Program, will be provided by 10 CFR 50.54(a). The level of safety of plant operation is unaffected by this change. The change is therefore, acceptable. The following discussions detail the NRC staff's conclusions regarding the relocation of selected Administrative Controls from TSs Sections 6.5, 6.6, and 6.9.

a. TSs 6.5-Review and Audit

DPC proposed to delete TS Section 6.5 "Review and Audit" and to relocate the associated review and audit requirements, with changes, to the QAPD. The proposed changes include replacing the designated review activities contained in TS Section 6.5.2.1, with the general requirement that the Safety Review Committee (SRC) provide independent review and audit of all aspects of plant nuclear safety. DPC also proposed changing the minimum meeting frequency requirements specified in TS Section 6.5.2.5, from "at least once per six months" to "at least once per year" for the SRC. DPC further proposed to redefine SRC member qualification criteria and to allow the selection of SRC members based on that criterion instead of identifying the specific members by position title, as currently specified in TS Section 6.5.2.2. Similarly, DPC proposed replacing the existing TS Section 6.5.1.2 membership requirements associated with the Operations Review Committee (ORC) with less prescriptive functional membership criteria.

Subsequent to the staff's interactions with DPC, the utility submitted clarifications to Revision 11 of their QAPD by letters dated July 30, 1996, and November 5, 1996. The staff has reviewed these clarifications related to the qualifications of the ORC and SRC which define the experience and educational requirements for the members as well as the SRC meeting frequency controls. Based on these reviews the staff has determined that the proposed changes to the QAPD which require that (1) ORC members shall meet the minimum qualifications specified in TS Section 6.3; (2) a majority of the SRC members (i.e., three out of the five individuals) conform to the minimum education and experience requirements specified in Section 4.6 of ANSI N18.1-1971; and (3) that the SRC shall meet at least once per year and as deemed necessary by the SRC chairman or plant manager are acceptable given the current defueled status of the facility.

b. TSs 6.6-Procedures

DPC proposed to relocate selected portions of TS Section 6.6, concerning procedures, to the QAPD. These relocation efforts involve TS Sections 6.6.1, functional areas requiring procedural controls; 6.6.2, review and approval of procedural changes; and 6.6.3, which describes temporary procedure change controls. Based on the staff's review within this area

it was determined that the information previously contained in the identified TS sections was appropriately transferred to the QAPD. The future maintenance of these requirements under the provisions of 10 CFR 50.54(a)(3) will provide controls equivalent to those previously contained in the TS.

c. TSs 6.9-Record Retention

DPC also proposed the relocation of TS Section 6.9 "Record Retention" to the QAPD. As a result of the staff's examination of the relocated section, including the associated subsections, it was determined that the records retention requirements previously contained in the TS were appropriately transferred to the QAPD.

The NRC staff has reviewed the changes to the relocated TSs sections and determined that the incorporation of the changes into the QAPD are acceptable in that the QAPD continues to satisfy the applicable criteria of Appendix B to 10 CFR Part 50. Based on the considerations discussed above and the fact that any subsequent changes to the relocated TSs provisions will be controlled in accordance with 10 CFR 50.54(a), the staff concludes that the revisions to the QAPD, as proposed by letters dated April 10, 1996, as supplemented on July 30, 1996, November 5, 1996, are acceptable.

Given that the requirements in the QAPD implement the Commission's regulations pertaining to the review and audit functions, inclusion of these particular provisions in TSs is not necessary to assure safe operation of the facility. 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. However, the staff has determined that the review and audit functions are adequately addressed by existing regulations and the related QAPD commitments. Based upon the relocation of the review and audit provisions to the QAPD, it is not necessary to include redundant or additional requirements in the TS administrative controls.

The licensee will continue to implement the QAPD 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 functions related to review and audit, procedures, and record retention. Changes to the QAPD are controlled in accordance with 10 CFR 50.54(a) and include requirements for prior NRC review and approval if a change constitutes a reduction in a QAPD commitment. The staff concludes that this regulatory requirement provides sufficient control for the functions related to review and audit, procedures, and record retention, so that removing these requirements from the TSs is acceptable.

4. CONCLUSION

The staff ascertained that the changes to the QAPD are in accordance with the review criteria contained in Section 17.2 of NUREG-0800, the Standard Review Plan (SRP). The staff also concluded that although the licensee's proposed controls for the qualification criteria related to SRC members did not explicitly conform to the acceptance criteria delineated in SRP 13.4 "Operational Review", an equivalent level of independent oversight is provided by the alternative criteria. In conclusion, it is noted that the QAPD changes described in DPC's April 10, 1996, letter and supplemented by correspondence dated July 30, 1996, and November 5, 1996, should be implemented simultaneously with the TS changes authorized by License Amendment No. 69.

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