



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

June 13, 1997

50-449/441

Mr. Lew W. Myers
Vice President Nuclear - Perry
Centerior Service Company
P.O. Box 97, A200
Perry, OH 44081

SUBJECT: CENTERIOR ENERGY, PROPOSED REDUCTION IN SCOPE OF
RESPONSIBILITIES FOR PLANT OPERATIONS REVIEW COMMITTEE
UPDATED SAFETY ANALYSIS REPORT CHANGE (TAC M98474)

Dear Mr. Myers:

By letter dated April 16, 1997, Centerior Energy (the licensee) submitted a 10 CFR 50.54(a) letter which transmitted proposed revisions to their quality assurance program (QAP) for the Perry Nuclear Power Plant. Specifically, the proposed change modifies the requirements related to the Plant Operations Review Committee (PORC) currently described in Chapter 17.2, "Quality Assurance During the Operations Phase," of the Updated Safety Analysis Report (USAR). As stated in the letter, the licensee's basis for the proposed change is to allow the PORC to refocus on essential plant safety reviews and to eliminate existing review functions that are redundant to other plant organizational reviews.

The staff has completed its review of the subject submittal in accordance with 10 CFR 50.54(a), and Sections 13.4 and 17.2 of NUREG-0800, the "Standard Review Plan" (SRP). Based on this review, it was determined that the proposed changes are unacceptable in that inadequate justification was provided to establish how the criteria of Appendix B to 10 CFR Part 50 would continue to be satisfied. A description of the staff's findings in this area is provided below.

Proposed Changes to PORC Provisions

The licensee's submittal states that the function of the PORC is to advise the General Manager, Perry Nuclear Power Plant Department (PNPPD), on all matters related to nuclear safety. Under the proposed change, this function would be altered and the various PORC reviews, which had "minimal safety impact" or that were duplicative of other plant reviews, would be deleted. In particular, the licensee proposed that the PORC no longer be required to: (a) review and recommend approval of procedures, except fire protection administrative procedures; (b) review proposed changes to the Operating License, including Technical Specifications (TS), for the presence of unreviewed safety questions; (c) review and recommend approval of Emergency Plan and Security Plan changes; and (d) designate preparers and approvers for procedures and instructions.

Section 13.4, of the SRP stipulates that the organizational unit designated to perform the review and oversight function (in this instance, the PORC) should (a) include the review scope of Section 4.4, "Review Activities of the Onsite Operating Organization," of ANSI N18.7-1976 (ANS-3.2), as endorsed by Regulatory Guide (RG) 1.33; (b) have organizational

arrangements that provide for interdisciplinary reviews of subject matter; (c) include as members plant personnel that meet, as a minimum, the qualification levels described in Section 4.4 of ANSI N18.1, as endorsed by RG 1.8; and (d) have the results of its activities properly documented and forwarded to appropriate members of management. In particular, Section 4.4 states that "The onsite operating organization shall provide, as part of the normal duties of plant supervisory personnel, timely and continuing monitoring of operating activities to assist the plant manager in keeping abreast of general plant conditions and to verify that the day to day operating activities are conducted safely and in accordance with **applicable administrative controls** [emphasis added]. These continuing monitoring activities are considered to be an integral part of the routine supervisory function and are important to the safety of the plant operation". Additionally, Section 4.4 of ANSI N18.7 provides that, during its periodic reviews, the onsite operating organization should "**screen subjects of potential concern to independent reviewers and perform preliminary investigations (see 4.3.4)**" [emphasis added]. The staff notes that Section 4.3.4, "Subjects Requiring Independent Review," includes, but is not limited to, those items that the licensee proposes not be reviewed by PORC.

This acceptance criteria is based on satisfying 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 oversight functions required by the licensee's QAP. The licensee relies on its commitment to the provisions in RG 1.33 to satisfy the requirements of Appendix B to 10 CFR Part 50, including those related to the review and audit function. The licensee may modify the organizational means by which it fulfills the review and audit function by providing an alternative to its commitments to RG 1.33. However, the licensee must also provide adequate justification for such an alternative and, pursuant to 10 CFR 50.54(a)(3)(ii), the bases for concluding that the revised QAP incorporating the change continues to satisfy the criteria of Appendix B to 10 CFR Part 50 must also be included in the submittal. Accordingly, the proposed changes related to PORC provisions are unacceptable. Should the licensee continue to pursue this alternative, it would be necessary to provide the staff with specific examples of PORC activities which are "more appropriately focused on safety oversight," but not identified under Section 4.3.4 of ANSI N18.7-1976.

Review of Changes to the Emergency and Security Plans

As described in the licensee's submittal, the guidance provided in Generic Letter 93-07 (GL 93-07) allows TS changes to remove (1) the review of the Emergency and Security Plans from the list of responsibilities of the PORC, and (2) the requirements for the PORC to review procedures and procedure changes for the implementation of the Emergency and Security Plans. The licensee's submittal also indicates that the basis stated in GL 93-07 for removing these items from the TS is that the requirement is redundant to the information contained within the individual programs and that the programs should control which groups perform the reviews in order to meet the requirements set forth in the regulation.

L. Myers

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While the staff agrees that GL 93-07 provides an acceptable approach for removing TS provisions related to the Emergency and Security Plans, the licensee has not provided adequate justification for removing such provisions from the QAP description. Specifically, 10 CFR 50.54(a)(3)(ii) states, in part, that submittals that contain changes to the QAP that do reduce commitments must include "the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the criteria of Appendix B of this part and the Safety Analysis Report QAP description commitments previously accepted by the NRC." Based on the staff's review in this area, it was determined that the licensee's submittal contained insufficient information related to the proposed implementation of the Emergency and Security Plans review and audit functions required by the applicable regulations. Therefore, the proposed changes related to the Emergency and Security Plans are unacceptable.

Contact me at 301-415-3017 if you have any questions.

Sincerely,

Original signed by:

John B. Hickman, Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-440

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While the staff agrees that GL 93-07 provides an acceptable approach for removing TS provisions related to the Emergency and Security Plans, the licensee has not provided adequate justification for removing such provisions from the QAP description. Specifically, 10 CFR 50.54(a)(3)(ii) states, in part, that submittals that contain changes to the QAP that do reduce commitments must include "the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the criteria of Appendix B of this part and the Safety Analysis Report QAP description commitments previously accepted by the NRC." Based on the staff's review in this area, it was determined that the licensee's submittal contained insufficient information related to the proposed implementation of the Emergency and Security Plans review and audit functions required by the applicable regulations. Therefore, the proposed changes related to the Emergency and Security Plans are unacceptable.

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