Duke Power
A Duke Energy Company

M. S. Tuckman
Executive Vice President
Nuclear Generation

Duke Power
526 South Church St. EC07H
Charlotte, NC 28202
P. O. Box 1006 EC07H
Charlotte, NC 28201-1006
(704) 382-2200 OFFICE
(704) 382-4360 FAX

December 20, 2001

U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTENTION: Document Control Desk

SUBJECT: Duke Energy Corporation

Oconee Nuclear Station Units 1, 2, and 3
Docket Nos. 50-269, 50-270, and 50-287

McGuire Nuclear Station Units 1 and 2
Docket Nos. 50-369 and 50-370

Catawba Nuclear Station Units 1 and 2
Docket Nos. 50-413 and 50-414

License Amendment Request Applicable to the Technical Specifications Requirements for the Bases Control Program - Oconee Technical Specification 5.5.15 and McGuire and Catawba Technical Specification 5.5.14

Pursuant to 10CFR50.90, this letter contains a Duke Energy Corporation (Duke) license amendment request (LAR) for the Oconee, McGuire, and Catawba Nuclear Stations Facility Operating Licenses and Technical Specifications (TS). This LAR applies to Oconee TS 5.5.15 and McGuire/Catawba TS 5.5.14. These TSs contain the requirements for Duke's TS Bases control program. Subsequent paragraphs of this letter provide: 1) a description of the proposed changes and technical justification, 2) a no significant hazards consideration determination, 3) a basis for the exclusion from performing an environmental assessment/impact statement, and 4) a description of the attachments.

DESCRIPTION OF PROPOSED CHANGES AND TECHNICAL JUSTIFICATION

Oconee TS 5.5.15 and McGuire/Catawba TS 5.5.14 are being changed to eliminate the use of the term, "Unreviewed Safety Question." This change is administrative in nature and is made to reflect changes in the 10CFR50.59

A001

regulation.[1] The changes proposed in this LAR are consistent with an NRC approved Industry Technical Specifications Task Force (TSTF) Standard TS Traveler.[2]

NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

Duke Energy Corporation (Duke) has made the determination that this license amendment request (LAR) involves No Significant Hazards through the application of the standards established by the NRC's regulations in 10CFR50.92. The three standards are discussed below.

1. Would implementation of the changes proposed in this LAR involve a significant increase in the probability or consequences of an accident previously evaluated?

   No. This LAR makes an administrative change to the Technical Specifications made necessary as part of Duke's implementation of revised NRC regulations. The changes proposed to these TS have no substantive impact on the Oconee, McGuire, or Catawba licensing bases, nor Duke's ability to conservatively evaluate changes to these licensing bases. Therefore, the proposed changes have no impact on any accident probabilities or consequences.

2. Would implementation of the changes proposed in this LAR create the possibility of a new or different kind of accident from any accident previously evaluated?

   No. This LAR makes administrative changes that have no impact on any accident analyses.

[1] 10CFR50.59, "Changes, tests, and experiments" (Federal Register - Volume 64, Number 191, dated October 4, 1999).
[2] TSTF-364, "Revision to TS Bases Control Program to Incorporate Changes to 10CFR50.59."

3. Would implementation of the changes proposed in this LAR involve a significant reduction in a margin of safety?

No. The proposed changes are administrative, an implementation of the revised 10CFR50.59 regulation. Implementation of the revised 10CFR50.59 regulation provides the necessary regulatory requirements to ensure that nuclear plants' margin of safety is preserved.

ENVIRONMENTAL ASSESSMENT/IMPACT STATEMENT

The proposed Technical Specification amendment has been reviewed against the criteria of 10 CFR 51.22 for environmental considerations. The proposed amendment does not involve a significant hazards consideration, nor increase the types and/or amounts of effluents that may be released offsite, nor increase individual or cumulative occupational radiation exposures. Therefore, the proposed amendment meets the criteria given in 10CFR51.22(c)(9) for a categorical exclusion from the requirement for performing an Environmental Assessment or Impact Statement.

DESCRIPTION OF ATTACHMENTS

The attachments to this submittal letter are as follows:

- Attachment 1 provides a marked copy of the existing Technical Specifications for Oconee Units 1, 2, and 3; McGuire Units 1 and 2; and Catawba Units 1 and 2. These marked copies show the proposed changes.

- Attachment 2 provides the reprinted Technical Specifications pages for Oconee Units 1, 2, and 3; McGuire Units 1 and 2; and Catawba Units 1 and 2.

Implementation of this LAR in the Facility Operating Licenses and Technical Specifications will not impact the Oconee, McGuire, or Catawba Updated Final Safety Analysis Reports (UFSAR). Duke is requesting NRC review and approval of this submittal by June 1, 2002. Duke has determined that the NRC's standard 30-day grace period will

be sufficient to implement this LAR. This letter contains no additional regulatory commitments.

Pursuant to 10CFR50.91, a copy of this LAR is being sent to the designated official of the State of North Carolina and the designated official of the State of South Carolina.

Inquiries on this matter should be directed to J. S. Warren at (704) 382-4986.

Very truly yours,

M. S. Tuckman

M. S. Tuckman

Attachments

xc w/Attachments:

L. A. Reyes
U. S. Nuclear Regulatory Commission
Regional Administrator, Region II
Atlanta Federal Center
61 Forsyth St., SW, Suite 23T85
Atlanta, GA 30303

L. N. Olshan (Addressee Only)
NRC Senior Project Manager (ONS)
U. S. Nuclear Regulatory Commission
Mail Stop O-8 H12
Washington, DC 20555-0001

C. P. Patel (Addressee Only)
NRC Senior Project Manager (CNS)
U. S. Nuclear Regulatory Commission
Mail Stop O-8 H12
Washington, DC 20555-0001

R. E. Martin (Addressee Only)
NRC Senior Project Manager (MNS)
U. S. Nuclear Regulatory Commission
Mail Stop O-8 H12
Washington, DC 20555-0001

M. E. Shannon
Senior Resident Inspector (ONS)
U. S. Nuclear Regulatory Commission
Oconee Nuclear Site

D. J. Roberts
Senior Resident Inspector (CNS)
U. S. Nuclear Regulatory Commission
Catawba Nuclear Site

S. M. Shaeffer
Senior Resident Inspector (MNS)
U. S. Nuclear Regulatory Commission
McGuire Nuclear Site

R. Wingard
Division of Radioactive Waste Management
South Carolina Bureau of Land and Waste Management
2600 Bull Street
Columbia, SC 29201

M. Frye
Division of Radiation Protection
3825 Barrett Drive
Raleigh, NC 27609-7221

M. S. Tuckman, affirms that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth herein are true and correct to the best of his knowledge.

M. S. Tuckman

M. S. Tuckman, Executive Vice President

Subscribed and sworn to me: Dec 20, 2001
Date

Mary P. Nelms, Notary Public

My commission expires: JAN 22, 2006

SEAL

Attachment 1

Oconee Units 1, 2, and 3 Technical Specifications
McGuire Units 1 and 2 Technical Specifications
Catawba Units 1 and 2 Technical Specifications

Marked Copy

INSERT

A change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.

5.5 Programs and Manuals

do not require

5.5.15 Technical Specifications (TS) Bases Control Program (continued)

b. Licensees may make changes to Bases without prior NRC approval provided the changes do not involve either of the following:

1. A change in the TS incorporated in the license; or

INSERT

2. A change to the updated UFSAR or Bases that involves an unreviewed safety question as defined in 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 5.5.15.b.1 or 5.5.15.b.2 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).

5.5.16 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. The SFDP shall contain the following:

a. Provisions for cross train checks to ensure a loss of the capability to perform the safety function assumed in the accident analysis does not go undetected;

b. Provisions for ensuring the plant is maintained in a safe condition if a loss of safety function condition exists;

c. Provisions to ensure that an inoperable supported system's Completion Time is not inappropriately extended as a result of multiple support system inoperabilities; and

d. Other appropriate limitations and remedial or compensatory actions.

5.5 Programs and Manuals

5.5.13 Diesel Fuel Oil Testing Program (continued)

c. Total particulate concentration of the fuel oil is ≤ 10 mg/l when tested every 31 days based on ASTM D-2276, Method A.

The provisions of SR 3.0.2 and SR 3.0.3 are applicable to the Diesel Fuel Oil Testing Program test frequencies.

5.5.14 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 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 unreviewed safety question as defined in 10 CFR 50.59.

INSERT

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 5.5.14.b.1 or 5.5.14.b.2 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).

5.5.15 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 actions may 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. The SFDP shall contain the following:

(continued)

5.5 Programs and Manuals

5.5.13 Diesel Fuel Oil Testing Program (continued)

3. a clear and bright appearance with proper color;

b. Other properties for ASTM 2D fuel oil are within limits within 31 days following sampling and addition to storage tanks; and

c. Total particulate concentration of the fuel oil is ≤ 10 mg/l when tested every 31 days based on ASTM D-2276, Method A.

The provisions of SR 3.0.2 and SR 3.0.3 are applicable to the Diesel Fuel Oil Testing Program test frequencies.

5.5.14 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 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 unreviewed safety question as defined in 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 5.5.14.b.1 or 5.5.14.b.2 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), with approved exemptions.

(continued)

Attachment 2

Oconee Units 1, 2, and 3 Technical Specifications
Reprinted Pages

Remove	Insert
5.0-24	5.0-24

McGuire Units 1 and 2 Technical Specifications
Reprinted Pages

Remove	Insert
5.5-17	5.5-17

Catawba Units 1 and 2 Technical Specifications
Reprinted Pages

Remove	Insert
5.5-17	5.5-17

5.5 Programs and Manuals

5.5.15 Technical Specifications (TS) Bases Control Program (continued)

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 updated FSAR 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 5.5.15.b.1 or 5.5.15.b.2 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).

5.5.16 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. The SFDP shall contain the following:

a. Provisions for cross train checks to ensure a loss of the capability to perform the safety function assumed in the accident analysis does not go undetected;

b. Provisions for ensuring the plant is maintained in a safe condition if a loss of safety function condition exists;

c. Provisions to ensure that an inoperable supported system's Completion Time is not inappropriately extended as a result of multiple support system inoperabilities; and

d. Other appropriate limitations and remedial or compensatory actions.

5.5 Programs and Manuals

5.5.13 Diesel Fuel Oil Testing Program (continued)

c. Total particulate concentration of the fuel oil is ≤ 10 mg/l when tested every 31 days based on ASTM D-2276, Method A.

The provisions of SR 3.0.2 and SR 3.0.3 are applicable to the Diesel Fuel Oil Testing Program test frequencies.

5.5.14 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 updated FSAR 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 5.5.14.b.1 or 5.5.14.b.2 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).

5.5.15 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 actions may 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. The SFDP shall contain the following:

5.5 Programs and Manuals

5.5.13 Diesel Fuel Oil Testing Program (continued)

3. a clear and bright appearance with proper color;

b. Other properties for ASTM 2D fuel oil are within limits within 31 days following sampling and addition to storage tanks; and

c. Total particulate concentration of the fuel oil is ≤ 10 mg/l when tested every 31 days based on ASTM D-2276, Method A.

The provisions of SR 3.0.2 and SR 3.0.3 are applicable to the Diesel Fuel Oil Testing Program test frequencies.

5.5.14 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 updated FSAR 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 5.5.14.b.1 or 5.5.14.b.2 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), with approved exemptions.

(continued)