

July 17, 2002

Mr. H. B. Barron
Vice President, McGuire Site
Duke Energy Corporation
12700 Hagers Ferry Road
Huntersville, NC 28078-8985

SUBJECT: McGUIRE NUCLEAR STATION, UNITS 1 AND 2 RE: ISSUANCE OF
AMENDMENTS (TAC NOS. MB3704 AND MB3705)

Dear Mr. Barron:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 204 to Facility Operating License NPF-9 and Amendment No. 185 to Facility Operating License NPF-17 for the McGuire Nuclear Station, Units 1 and 2. The amendments consist of changes to the Technical Specifications (TS) in response to your application dated December 20, 2001.

The amendments revise TS 5.5.14 to eliminate the use of the term "unreviewed safety question," and replace the word "involve" with the word "require" as it applies to changes made to the updated Final Safety Analysis Report and the TS Bases.

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

Sincerely,

/RA/

Robert E. Martin, Senior Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-369 and 50-370

Enclosures:

1. Amendment No. 204 to NPF-9
2. Amendment No. 185 to NPF-17
3. Safety Evaluation

cc w/encls: See next page

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Docket Nos. 50-369 and 50-370

DISTRIBUTION:

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1. Amendment No. 204 to NPF-9
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PUBLIC	ACRS
PDII-1 R/F	OGC
WBeckner	GHill(4)
RHaag, RII	TMarsh

cc w/encls: See next page

Adams: ML022040133 TS Page: ML022030399 Package: ML022040125

OFFICE	PDII-1/PM	PDII-1/LA	RORP	OGC	PDII-1/SC
NAME	Patel/RMartin	CHawes	RDennig	SUttal	JNakoski
DATE	7/5/02	7/5/02	7/19/02	7/2/02	7/12/02

OFFICIAL RECORD COPY

DUKE ENERGY CORPORATION

DOCKET NO. 50-369

McGUIRE NUCLEAR STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 204
License No. NPF-9

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the McGuire Nuclear Station, Unit 1 (the facility), Facility Operating License No. NPF-9 filed by the Duke Energy Corporation (licensee) dated December 20, 2001, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate 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 Commission's regulations set forth in 10 CFR Chapter I;
 - 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 hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-9 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 204, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Chief, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Technical Specification
Changes

Date of Issuance: July 12, 2002

DUKE ENERGY CORPORATION

DOCKET NO. 50-370

McGUIRE NUCLEAR STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 185
License No. NPF-17

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the McGuire Nuclear Station, Unit 2 (the facility), Facility Operating License No. NPF-17 filed by the Duke Energy Corporation (licensee) dated December 20, 2001, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate 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 Commission's regulations set forth in 10 CFR Chapter I;
 - 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 hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 2.C.(2) of Facility Operating License No. NPF-17 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 185, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Nakoski, Chief, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Technical Specification
Changes

Date of Issuance: July 12, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 204

FACILITY OPERATING LICENSE NO. NPF-9

DOCKET NO. 50-369

ATTACHMENT TO LICENSE AMENDMENT NO. 185

FACILITY OPERATING LICENSE NO. NPF-17

DOCKET NO. 50-370

Replace the following page of the Appendix A Technical Specification with the attached revised page. The revised page is identified by amendment number and contain marginal lines indicating the areas of change.

Remove

Insert

5.5-17

5.5-17

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 204 TO FACILITY OPERATING LICENSE NPF-9
AND AMENDMENT NO. 185 TO FACILITY OPERATING LICENSE NPF-17
DUKE ENERGY CORPORATION
MCGUIRE NUCLEAR STATION, UNITS 1 AND 2
DOCKET NOS. 50-369 AND 50-370

1.0 INTRODUCTION

By letter dated December 20, 2001, Duke Energy Corporation, et al. (the licensee), submitted a request for changes to the McGuire Nuclear Station, Units 1 and 2, Technical Specifications (TS). The requested changes would eliminate the use of the term “unreviewed safety question,” and replace the word “involve” with the word “require” as it applies to changes made to the Updated Final Safety Analysis Report (UFSAR) and the TS Bases.

2.0 BACKGROUND

The requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59 establish the conditions under which licensees may make changes to the facility or procedures and conduct test and experiments without prior approval from the Nuclear Regulatory Commission (NRC).

In 1999, the NRC revised its regulations (64 FR 191, dated October 4, 1999) controlling changes, tests and experiments performed by nuclear power plant licensees. The rule change clarified the specific types of changes, tests, and experiments conducted at a facility that require evaluation, and revised the criteria that licensees must use to determine when NRC approval is needed before such changes, tests, and experiments can be implemented. The final rule also added definitions for terms that have been subject to differing interpretations and reorganized the rule language for clarity. Under the revised 10 CFR 50.59, 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.

The TS Bases Control Program allows the licensee to make changes to the Bases in accordance with TS 5.5.14 without prior NRC approval, provided the change does not “involve” a change to the UFSAR or Bases involving 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 to be consistent with the revision to 10 CFR 50.59. A conforming change is made to TS 5.5.14 to replace the word “involve,” as used above, with the word “require.”

3.0 EVALUATION

The proposed changes to TS 5.5.14 are required to reflect the revisions to 10 CFR 50.59, in that the definition of "unreviewed safety question" was eliminated. The revised TS 5.5.14, however, retains the requirement for prior NRC approval of changes to the UFSAR and TS Bases in those cases specified in the revised 10 CFR 50.59. The proposed change to TS 5.5.14 to replace the word "involve," as used above, with the word "require" does not affect the requirements of TS 5.5.14. The TS is, therefore, revised to be consistent with the revision to 10 CFR 50.59 and the proposed editorial change described herein.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

These amendments relate to changes in recordkeeping, administrative procedures or requirements. Accordingly, these amendments meet 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 these amendments.

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 amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: C. Patel

Date: July 12, 2002

McGuire Nuclear Station

cc:

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