

May 8, 2003

Mr. Dhiaa Jamil
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. MB6500 AND MB6501)

Dear Mr. Jamil:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 212 to Facility Operating License NPF-9 and Amendment No. 193 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 September 30, 2002, as supplemented by letters dated October 17, 2002, and April 2, 2003.

The amendments revise the TS to (1) modify the Surveillance Requirement to be consistent with the design of the reactor building access openings, (2) modify the frequency of the Surveillance Requirement for visual inspections for the exposed interior and exterior surfaces of the reactor building, and (3) modify the administrative controls for the containment leakage rate testing program.

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. 212 to NPF-9
2. Amendment No. 193 to NPF-17
3. Safety Evaluation

cc w/encls: See next page

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* See previous concurrence

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DUKE ENERGY CORPORATION

DOCKET NO. 50-369

McGUIRE NUCLEAR STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 212
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 September 30, 2002, as supplemented by letters dated October 17, 2002, and April 2, 2003, 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. 212, 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: May 8, 2003

DUKE ENERGY CORPORATION

DOCKET NO. 50-370

McGUIRE NUCLEAR STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 193

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 September 30, 2002, as supplemented by letters dated October 17, 2002, and April 2, 2003, 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. 193, 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: May 8, 2003

ATTACHMENT TO LICENSE AMENDMENT NO. 212

FACILITY OPERATING LICENSE NO. NPF-9

DOCKET NO. 50-369

ATTACHMENT TO LICENSE AMENDMENT NO. 193

FACILITY OPERATING LICENSE NO. NPF-17

DOCKET NO. 50-370

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

3.6.16-1
3.6.16-2
B 3.6.16-1
B 3.6.16-2
B 3.6.16-3
5.5-1
5.5-2

Insert

3.6.16-1
3.6.16-2
B 3.6.16-1
B 3.6.16-2
B 3.6.16-3
5.5-1
5.5-2

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 212 TO FACILITY OPERATING LICENSE NPF-9
AND AMENDMENT NO. 193 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 September 30, 2002, as supplemented by letters dated October 17, 2002, and April 2, 2003, Duke Energy Corporation, (the licensee), submitted a request for changes to the McGuire Nuclear Station, Units 1 and 2, (McGuire) Technical Specifications (TS). The requested changes would: (1) modify the Surveillance Requirement (SR) to be consistent with the design of the reactor building access openings, (2) modify the frequency of the SR for visual inspections for the exposed interior and exterior surface of the reactor building, and (3) modify the administrative controls for the containment leakage rate testing program.

The letters dated October 17, 2002, and April 2, 2003, provided clarifying information that did not change the scope of the September 30, 2002, application nor the initial proposed no significant hazards consideration determination.

2.0 REGULATORY EVALUATION

The reactor building is a concrete structure that surrounds the steel containment vessel. An annular space exists between the containment vessel and the reactor building inner wall that collects containment leakage that may occur following a loss-of-coolant accident. This space also allows for periodic inspection of the outer surface of the steel containment vessel.

The reactor building is required by TS to be operable to ensure retention of containment leakage and proper operation of the annulus ventilation system. There are now three separate requirements pertaining to visual examination of the steel containment vessel and the reactor building. These include (1) Appendix J of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Option B; (2) Inservice inspection (ISI) as required by 10 CFR Part 50.55a and the American Society of Mechanical Engineers Code, Section XI; and (3) SR 3.6.16.3. The Administrative Control 5.5.2 requires a program for leakage rate testing of the containment, as required by 10 CFR 50.54(o) and 10 CFR Part 50, Appendix J, Option B. It also requires that the guidelines contained in Regulatory Guide (RG) 1.163, "Performance-Based Containment Leak-Test Program," be followed. The proposed revisions to the TS involve provisions that are included in the TS to ensure the retention of containment leakage within the reactor building by

establishing requirements for control of doors in access openings and for containment leakage testing.

3.0 TECHNICAL EVALUATION

3.1 TS Surveillance Requirement 3.6.16.1

This SR currently requires, on a 31 day frequency:

Verify each door in each access opening is closed, except when the access opening is being used for normal transit entry and exit; then at least one door shall be closed.

The wording pertains to airlock design (two doors) for entry into the reactor building. The licensee stated that there are five openings into each McGuire reactor building; each of these openings has only a single door.

The licensee proposed to revise this SR to state:

Verify the door in each access opening is closed, except when the access opening is being used for normal transit entry and exit.

The NRC staff reviewed the licensee's submitted information and finds that errors exist in the current TS as described above. The current requirement is inconsistent with the plant as originally designed and built. The licensee's proposed change would correct the error and is, therefore, acceptable.

3.2 TS Surveillance Requirement 3.6.16.3

TS SR 3.6.16.3 states:

Verify reactor building structural integrity by performing a visual inspection of the exposed interior and exterior surfaces of the reactor building.

The frequency for this surveillance is "40 months AND during shutdown for SR 3.6.1.1 Type A tests." The licensee proposes to amend the frequency for this surveillance to state: "3 times every 10 years, coinciding with containment visual examinations required by SR 3.6.1.1." The licensee also proposed associated changes to the Bases for this SR.

The effect of the current specified frequency for the surveillance test is to constrain it to be performed during shutdown of the plant. The licensee states that in conjunction with the three test requirements discussed in Section 2.0 of this Safety Evaluation (SE), this could lead to a requirement to perform duplicate examinations. The effect of the change to the SR frequency would be to remove the constraint to perform examinations during shutdown and thus provide flexibility in scheduling the examinations as stated by the licensee in the following paragraph.

In order to eliminate the performance of unnecessary duplicate examinations to satisfy 10 CFR Part 50, Appendix J and 10 CFR 50.55a, some flexibility is needed to schedule these general visual examinations within each ISI period. Because McGuire has historically performed the reactor building examinations in conjunction with the

10 CFR Part 50, Appendix J containment general visual examinations (and prefers to continue this practice), flexibility in scheduling the reactor building examinations is necessary.

The licensee states that the proposed change will not reduce the number of examinations required during each 10-year service period and that performance of these examinations during either operation or shutdown of the plant would have no impact on the quality of the inspection, provided that all accessible interior and exterior surfaces are examined.

The NRC staff finds that the revised wording will provide flexibility in scheduling these examinations without decreasing the number of required structural integrity inspections (three per 10 years). The NRC staff concludes that the proposed revision will have no impact on the quality or the safety functions of the affected components. Therefore, the proposed revision of SR 3.6.16.3 is acceptable.

3.3 Administrative Control 5.5.2

As noted in Section 2.0 of this SE, Administrative Control 5.5.2 requires a program for leakage rate testing of the containment. The licensee proposed to add the following to Administrative Control 5.5.2:

The containment visual examinations required by Regulatory Position C.3 shall be conducted 3 times every 10 years, including during each shutdown for SR 3.6.1.1 Type A test, prior to initiating the Type A test.

The licensee proposed this change for the following stated reason:

To take exception to Regulatory Position C.3 of Regulatory Guide 1.163 so that visual examinations of the containment performed between Type A tests need not be performed during refueling outages. (Regulatory Position C.3 of Regulatory Guide 1.163 states that these examinations should be conducted during two other "refueling outages".)

The licensee stated that, with respect to the Regulatory Position C.3 guidance that these containment visual examinations should be conducted during refueling outages, the performance of these examinations during operation or shutdown has no impact on the quality of these examinations, provided that all accessible interior and exterior surfaces are examined. The proposed revision would provide the licensee with scheduling flexibility.

The NRC staff finds that the proposed revision will provide flexibility in scheduling without decreasing the required number of three containment visual examinations in a 10-year period. The purpose of Regulatory Position C.3 of RG 1.163 was to specify that visual examinations were to be conducted at a certain frequency. The phrase "during two other refueling outages" was used because the NRC staff understood that the examinations would probably be done during refueling outages. However, this was not intended to be an essential condition for the examination. Therefore, the NRC staff concludes that the proposed revision will have no impact on the quality or safety functions of the affected components and that the proposed revision of Administrative Control 5.5.2 is acceptable.

3.4 TS Bases Document

The Bases for the TS is a licensee-controlled document, pursuant to the requirements of 10 CFR Part 50.59, and is not part of the TS pursuant to 10 CFR 50.36(a). However, the NRC staff reviewed the licensee's proposed changes as supplemental information for the changes to the TS. The NRC staff finds the proposed changes to the Bases document to be consistent with the associated TS changes.

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

The amendments change requirements with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and change surveillance requirements. The NRC staff has determined that the amendments involve no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding (67 FR 68733). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the 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.

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Date: May 8, 2003

McGuire Nuclear Station

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