

September 7, 2006

Mr. G. R. Peterson  
Vice President  
McGuire Nuclear Station  
Duke Power Company LLC  
12700 Hagers Ferry Road  
Huntersville, NC 28078

SUBJECT: MCGUIRE NUCLEAR STATION, UNITS 1 AND 2, ISSUANCE OF  
AMENDMENTS REGARDING REPORTING REQUIREMENTS (TAC NOS.  
MC5051 AND MC5050)

Dear Mr. Peterson:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 233 to Renewed Facility Operating License NPF-9 and Amendment No. 215 to Renewed Facility Operating License NPF-17 for the McGuire Nuclear Station, Units 1 and 2 (McGuire 1 and 2). The amendments consist of changes to the Licenses in response to your application dated October 27, 2004.

The proposed amendments would revise the facility operating licenses (FOLs) for McGuire 1 and 2 to remove license conditions (LCs) that (1) limit the maximum rod average burnup for any fuel rod to 60 Gwd/mtU, and (2) list reporting requirements with regard to maximum power level, fire protection, physical protection and protection of the environment (McGuire 2 only). The proposed amendments also requested approval of revisions to the UFSAR to include a new discussion of the burnup limit.

These amendments address only the changes to the reporting requirements. The licensee's request to remove the LC that limits the maximum rod average burnup for any rod to 60 Gwd/mtU and approval of the changes to the UFSAR will be issued in separate license amendments.

G. Peterson

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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/*

John Stang, Senior Project Manager  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-369 and 50-370

Enclosures:

1. Amendment No. 233 to NPF-9
2. Amendment No. 215 to NPF-17
3. Safety Evaluation

cc w/encls: See next page

G. Peterson

-2-

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,

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John Stang, Senior Project Manager  
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cc w/encls: See next page\_

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NRR-058

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DUKE POWER COMPANY LLC

DOCKET NO. 50-369

MCGUIRE NUCLEAR STATION, UNIT 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 233  
Renewed 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), Renewed Facility Operating License No. NPF-9, filed by the Duke Power Company LLC (licensee), dated October 27, 2004, 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 amended to delete paragraph 2.F from Renewed Facility Operating License No. NPF-9. Paragraph 2.F is hereby amended to read as follows:

2.E Deleted by Amendment No. 233

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/*

Evangelos C. Marinos, Chief  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to License No. NPF-9

Date of Issuance: September 7, 2006

DUKE POWER COMPANY LLC

DOCKET NO. 50-370

MCGUIRE NUCLEAR STATION, UNIT 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 215  
Renewed 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), Renewed Facility Operating License No. NPF-17, filed by the Duke Power Company LLC (the licensee), dated October 27, 2004, 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 amended to delete paragraph 2.F from Renewed Facility Operating License No. NPF-17. Paragraph 2.F is hereby amended to read as follows:

2.E Deleted by Amendment No. 215

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/*

Evangelos C. Marinos, Chief  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to License No. NPF-17

Date of Issuance: September 7, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 233  
RENEWED FACILITY OPERATING LICENSE NO. NPF-9  
DOCKET NO. 50-369

Replace the following pages of the License with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

License Pages

page 3

page 4

Insert

License Pages

page 3

page 4

ATTACHMENT TO LICENSE AMENDMENT NO. 215

RENEWED FACILITY OPERATING LICENSE NO. NPF-17

DOCKET NO. 50-370

Replace the following pages of the License and the Appendix A Technical Specifications (TSs) with the attached revised pages. The revised pages are identified by amendment number and contains vertical lines indicating the areas of change.

Remove

License Pages

page 3

page 5

Insert

License Pages

page 3

page 5

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO

AMENDMENT NO. 233 TO RENEWED FACILITY OPERATING LICENSE NPF-9

AND

AMENDMENT NO. 215 TO RENEWED FACILITY OPERATING LICENSE NPF-17

DUKE POWER COMPANY LLC

MCGUIRE NUCLEAR STATION, UNITS 1 AND 2

DOCKET NOS. 50-369 AND 50-370

## 1.0 INTRODUCTION

By application dated October 27, 2004 (Agency wide Documents Access and Management System (ADAMS) Accession No. ML043030271), Duke Power Company LLC (Duke, the licensee), requested changes to the Licenses for the McGuire Nuclear Station, Units 1 and 2 (McGuire 1 and 2).

The proposed amendments would revise the facility operating licenses (FOLs) for McGuire 1 and 2 to remove license conditions (LCs) that (1) limit the maximum rod average burnup for any fuel rod to 60 Gwd/mtU, and (2) list reporting requirements with regard to maximum power level, fire protection, physical protection and protection of the environment (McGuire 2 only). The proposed amendments also requested approval of revisions to the UFSAR to include a new discussion of the burnup limit.

These amendments address only the changes to the reporting requirements. The licensee's request to remove the LC that limits the maximum rod average burnup for any rod to 60 Gwd/mtU and approval of the changes to the UFSAR will be issued in separate license amendments.

## 2.0 REGULATORY EVALUATION

A condition was included in the facility operating licenses issued to some nuclear power plants requiring the licensee to make reports to the Nuclear Regulatory Commission (NRC) regarding violations of other sections of the operating license. This reporting requirement in most cases is redundant to reporting requirements contained in related regulations. A typical license condition reads as follows:

Except as otherwise provided in this license and its appendices, the Licensee shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within thirty days in accordance with the procedures described in 10 CFR 50.73 (Licensee event report system).

The proposal to eliminate the reporting of violations of specific requirements of FOLs is applicable to any licensee that has such a provision in its FOL. The NRC staff notes that many operating licenses do not contain the requirement because it was never added or was removed by a license amendment.

In addition to the information provided to support licensing decisions, the NRC obtains information about plant operation, licensee programs, and other matters using a combination of inspections and reporting requirements. Routine or scheduled reports that are required to be submitted to the NRC are defined in the related regulations, specific license condition, technical specification, or an NRC-approved program document. The reporting of emergencies, unplanned events or conditions, and other special cases may also be addressed within such documents by the inclusion of reporting thresholds and are also the focus of the reporting requirements in 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors," and 10 CFR 50.73, "Licensee event report system." Changes to the reporting regulations in 10 CFR 50.72 and 50.73 became effective in January 2001 (see *Federal Register* notice on October 25, 2000 (65 FR 63769) and included extending the allowable reporting times for licensee event reports (LERs) from 30 days to 60 days.

### 3.0 TECHNICAL EVALUATION

LC 2.E of the McGuire 1 and 2 FOLs requires the licensee to report any violations of the requirements of LC 2.C.(1), 2.C.(4), and 2.C.(5) Unit 2 only and 2.D of the FOL defines the method and allowable time periods for such reports. The reporting threshold (i.e., a violation) for some of the conditions included in LC 2.E of both the FOLs duplicates those defined in 10 CFR 50.72 and 10 CFR 50.73. However, the requirements in the FOL may have different deadlines than those defined in the regulations (following a rule change in 2001). This difference in reporting requirements has led to variations in reporting. McGuire 1 and 2 have a 14-day reporting requirement in their FOLs, the condition has decreased the benefits of the rulemaking. For those cases where the current FOL requirement to report violations is also reportable in accordance with the regulations defined in 10 CFR 50.72 and 10 CFR 50.73, the NRC staff finds that the regulations adequately address this issue and the elimination of the duplicative requirement in the FOLs is acceptable.

The NRC staff also assessed violations of administrative requirements that could be reportable under the current LC but that may not have a duplicative requirement in a regulation or other regulatory requirement. The NRC staff finds that the requirements to report such problems within 24 hours with written reports to follow using the LER process is not needed. The NRC staff is confident that the information related to such violations that is actually important to the NRC's regulatory functions would come to light in a time frame comparable to the 60-day LER requirements. The information would become available to the appropriate NRC staff through the inspection program, updates to program documents, resultant licensing actions, public announcements, or some other reliable mechanism. The NRC staff finds that the elimination of

LC 2.E of the McGuire 1 and 2 FOLs will not result in a loss of information to the NRC that would adversely affect either its goal to protect public health and safety or its ability to carry out its various other regulatory responsibilities. Therefore, the NRC staff finds the proposed changes to the FOLs acceptable.

#### 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 relate to changes in recordkeeping, reporting, or administrative procedures or requirements. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there have been no public comments on such finding (70 FR 38717). Accordingly, the 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 environment 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.

Principal Contributor: John Stang

Date: September 7, 2006

McGuire Nuclear Station, Units 1 & 2

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