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November 22, 2006

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555

Subject: Duke Power Company LLC d/b/a Duke Energy Carolinas, LLC
(Duke)
Catawba Nuclear Station, Unit 1
Docket Number 50-413
Proposed Amendment to Facility Operating License (FOL)
FOL Condition Regarding Extension of Time Limit to
Complete Emergency Core Cooling Systems (ECCS) Sump
Modification

Reference: Letter from Dhiaa M. Jamil (Duke) to NRC, dated
November 1, 2006

In accordance with the provisions of 10 CFR 50.90, Duke proposes to revise the Catawba Unit 1 FOL to provide for an extension of the time limit to complete the required modification to the ECCS sump. Our commitment to submit this amendment to the Catawba Unit 1 FOL was transmitted to the NRC via the reference letter.

In this submittal, Duke is proposing to modify the Catawba Unit 1 FOL to add a license condition which requires that 1) Unit 1 will enter Mode 5 for the outage to install the sump strainer modification no later than May 19, 2008 and that 2) the Unit 1 sump strainer modification will be completed prior to entry into Mode 4 after May 19, 2008.

The contents of this amendment request package are as follows:

Attachment 1 provides a marked copy of the affected FOL pages for Catawba Unit 1, showing the proposed change. Attachment 2 provides a reprinted copy of the affected FOL pages for Catawba Unit 1, incorporating the proposed change. Attachment 3 provides a description of the proposed change and justification for the change. Pursuant to 10 CFR 50.92, Attachment 4 documents the determination that the amendment contains No Significant Hazards

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Considerations. Pursuant to 10 CFR 51.22(c)(9), Attachment 5 provides the basis for the categorical exclusion from performing an Environmental Assessment/Impact Statement.

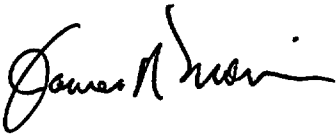
Amendment implementation will be accomplished within 30 days of NRC approval and in any event, no later than December 31, 2007, which is the existing commitment date for resolution of Generic Safety Issue (GSI)-191 for Catawba Unit 1.

In accordance with Duke administrative procedures and the Quality Assurance Program Topical Report, this proposed amendment has been previously reviewed and approved by representatives of the Catawba Plant Operations Review Committee and the Duke Nuclear Safety Review Board.

Pursuant to 10 CFR 50.91, a copy of this proposed amendment is being sent to the appropriate state official.

Inquiries on this matter should be directed to L.J. Rudy at (803) 831-3084.

Very truly yours,



James R. Morris

LJR/s

Attachments

James R. Morris 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.



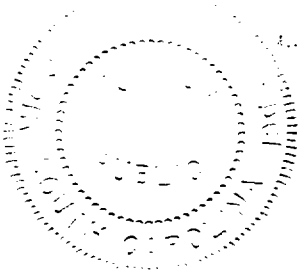
James R. Morris, Vice President

Subscribed and sworn to me: 11-22-06
Date



Notary Public

My commission expires: 7-10-2012
Date



SEAL

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xc (with attachments):

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ATTACHMENT 1

MARKED-UP FOL PAGES FOR CATAWBA

(6) Additional Conditions

The Additional Conditions contained in Appendix B, as revised through Amendment No. 230 are hereby incorporated into this renewed operating license. Duke Power Company LLC shall operate the facility in accordance with the Additional Conditions.

- D. The facility requires exemptions from certain requirements of Appendix J to 10 CFR Part 50, as delineated below and pursuant to evaluations contained in the referenced SER and SSERs. These include, (a) partial exemption from the requirement of paragraph III.D.2(b)(ii) of Appendix J, the testing of containment airlocks at times when the containment integrity is not required (Section 6.2.6 of the SER, and SSERs # 3 and #4), (b) exemption from the requirement of paragraph III.A.(d) of Appendix J, insofar as it requires the venting and draining of lines for type A tests (Section 6.2.6 of SSER #3), and (c) partial exemption from the requirements of paragraph III.B of Appendix J, as it relates to bellows testing (Section 6.2.6 of the SER and SSER #3). These exemptions are authorized by law, will not present an undue risk to the public health and safety, are consistent with the common defense and security, and are consistent with certain special circumstances as discussed in the referenced SER and SSERs. These exemptions are, therefore, hereby granted pursuant to 10 CFR 50.12. With the granting of these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

E. Physical Protection

Duke Power Company LLC shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contains safeguards information protected under 10 CFR 73.21, is entitled: "Duke Energy Physical Security Plan" submitted by letter dated September 8, 2004, and supplemented on September 30, 2004, October 15, 2004, October 21, 2004 and October 27, 2004.

F. Reporting to the Commission Deleted by Amendment No. 230

NO CHANGES THIS PAGE.
FOR INFORMATION ONLY

APPENDIX B

ADDITIONAL CONDITIONS

FACILITY OPERATING LICENSE NO. NPF-35

Duke Power Company LLC shall comply with the following conditions on the schedules noted below:

<u>Amendment Number</u>	<u>Additional Condition</u>	<u>Implementation Date</u>
159	This amendment requires the licensee to use administrative controls, as described in the licensee's letter of March 7, 1997, and evaluated in the staff's safety evaluation dated April 29, 1997, to restrict the dose-equivalent iodine levels to 0.46 microCurie per gram (in lieu of the limit in TS Section 3.4.8.a), and to 26 microCurie per gram (in lieu of the limit of TS Figure 3.4-1), until this license condition is removed by a future amendment.	Immediately upon issuance of the amendment
173	The licensee is authorized to relocate certain requirements included in appendix A to licensee-controlled documents. Implementation of this amendment shall include the relocation of these requirements to the appropriate documents as described in the licensee's letters dated May 27, 1997, as amended by letters dated March 9, March 20, April 20, June 3, June 24, July 7, July 21, August 5, September 8, and September 15, 1998, and evaluated in the NRC staff's Safety Evaluation associated with this amendment.	All relocation to be completed by January 31, 1999.

Renewed License No. NPF-35
Amendment No. 229

<u>Amendment Number</u>	<u>Additional Condition</u>	<u>Implementation Date</u>
173	<p>The schedule for the performance of new and revised surveillance requirements shall be as follows:</p> <p>For surveillance requirements (SRs) that are new in Amendment No. 173 the first performance is due at the end of the first surveillance interval that begins at implementation of Amendment No. 173. For SRs that existing prior to Amendment No. 173, including SRs with modified acceptance criteria and SRs who intervals of performance are being extended, the first performance is due at the end of the first surveillance interval that begins on the date the surveillance was last performed prior to implementation of amendment No. 173. For SRs that existed prior to Amendment No. 173, whose intervals of performance are being reduced, the first reduced surveillance interval begins upon completion of the first surveillance performed after implementation of Amendment No. 173</p>	By January 31, 1999
180	The maximum rod average burnup for any rod shall be limited to 60 GWd/mtU until the completion of an NRC environmental assessment supporting an increased limit.	Within 30 days of date of amendment.
	INSERT (see next page)	within 30 days of date of amendment and no later than December 31, 2007

INSERT for Catawba Unit 1 FOL page:

In association with the ECCS sump strainer modification and Generic Safety Issue (GSI)-191 requirements:

1. Unit 1 shall enter Mode 5 for the outage to install the sump strainer modification no later than May 19, 2008 and
2. The Unit 1 sump strainer modification shall be completed prior to entry into Mode 4 after May 19, 2008.

ATTACHMENT 2

REPRINTED FOL PAGES FOR CATAWBA

<u>Amendment Number</u>	<u>Additional Condition</u>	<u>Implementation Date</u>
173	<p>The schedule for the performance of new and revised surveillance requirements shall be as follows:</p> <p>For surveillance requirements (SRs) that are new in Amendment No. 173 the first performance is due at the end of the first surveillance interval that begins at implementation of Amendment No. 173. For SRs that existing prior to Amendment No. 173, including SRs with modified acceptance criteria and SRs who intervals of performance are being extended, the first performance is due at the end of the first surveillance interval that begins on the date the surveillance was last performed prior to implementation of amendment No. 173. For SRs that existed prior to Amendment No. 173, whose intervals of performance are being reduced, the first reduced surveillance interval begins upon completion of the first surveillance performed after implementation of Amendment No. 173</p>	By January 31, 1999
180	The maximum rod average burnup for any rod shall be limited to 60 GWd/mtU until the completion of an NRC environmental assessment supporting an increased limit.	Within 30 days of date of amendment.
	<p>In association with the ECCS sump strainer modification and Generic Safety Issue (GSI)-191 requirements:</p> <ol style="list-style-type: none"> 1. Unit 1 shall enter Mode 5 for the outage to install the sump strainer modification no later than May 19, 2008 and 2. The Unit 1 sump strainer modification shall be completed prior to entry into Mode 4 after May 19, 2008. 	Within 30 days of date of amendment and no later than December 31, 2007

Amendment No.

ATTACHMENT 3

DESCRIPTION OF PROPOSED CHANGE AND JUSTIFICATION

Description of Proposed Change

The Catawba Unit 1 FOL is marked up to add a new license condition as follows:

"In association with the ECCS sump strainer modification and Generic Safety Issue (GSI)-191 requirements:

1. Unit 1 shall enter Mode 5 for the outage to install the sump strainer modification no later than May 19, 2008 and
2. The Unit 1 sump strainer modification shall be completed prior to entry into Mode 4 after May 19, 2008."

Justification

On November 1, 2006, Duke provided a letter to the NRC which summarized Catawba's plans for installing the ECCS sump strainer modification on Unit 1 in response to the requirements of Generic Letter (GL) 2004-02, "Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized Water Reactors." This letter discussed in detail Duke's request for a delay in implementing the modification on Unit 1 and provided information concerning final design issues and delays, material delivery delays, ALARA concerns, and a recovery plan. The letter provided the technical justification for the proposed extension to the time limit for implementing the requirements of this GL. The letter also stated Duke's commitment to submit a proposed condition into the Unit 1 FOL to incorporate the proposed modification completion date. The commitment stated that the FOL condition would be submitted no later than November 30, 2006.

This submittal fulfills Duke's commitment to propose the Unit 1 FOL condition. Since no new technical information is being submitted in conjunction with the proposed FOL condition, this submittal is considered administrative in nature.

Following NRC approval of the proposed FOL condition, implementation will be accomplished within 30 days of approval and in any event, no later than December 31, 2007, which is the existing commitment date for resolution of GSI-191 for Catawba Unit 1.

ATTACHMENT 4

NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

No Significant Hazards Consideration Determination

As required by 10 CFR 50.91(a)(1), this discussion is provided to demonstrate that the proposed license amendment involves no significant hazards consideration.

Conformance of the proposed amendment to the standards for a determination of no significant hazards as defined in 10 CFR 50.92 is shown in the following:

- 1) The proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed license amendment delineates a new Unit 1 FOL condition to implement a completion date associated with the ECCS sump strainer modification. The proposed license amendment is administrative in nature and is being submitted to fulfill a commitment made in previous Duke licensing correspondence. Therefore, the proposed license amendment has no effect upon either the probability or consequences of an accident previously evaluated.

- 2) The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

As stated above, the proposed license amendment is administrative in nature and does not change the manner in which Unit 1 is designed or operated. Therefore, the proposed license amendment cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

- 3) The proposed license amendment does not involve a significant reduction in a margin of safety.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their intended functions. These barriers include the fuel cladding, the reactor coolant system, and the containment. The performance of these barriers will not be affected by the addition of the proposed FOL condition. Being administrative in nature, the proposed license amendment therefore does not involve a significant reduction in any safety margin.

Based on the preceding discussion, it is concluded that the proposed license amendment does not involve a significant hazards consideration finding as defined in 10 CFR 50.92.

ATTACHMENT 5

ENVIRONMENTAL ANALYSIS

Environmental Analysis

Pursuant to 10 CFR 51.22(b), an evaluation of this license amendment request has been performed to determine whether or not it meets the criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9) of the regulations.

Implementation of this amendment will have no adverse impact upon Catawba Unit 1; neither will it contribute to any additional quantity or type of effluent being available for adverse environmental impact or personnel exposure.

It has been determined there is:

1. No significant hazards consideration,
2. No significant change in the types, or significant increase in the amounts, of any effluents that may be released offsite, and
3. No significant increase in individual or cumulative occupational radiation exposures involved.

Therefore, this amendment to the Catawba Unit 1 FOL meets the criteria of 10 CFR 51.22(c)(9) for categorical exclusion from an environmental impact statement.