



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 21, 2009

Mr. Ronald A. Jones
Senior Vice President
Nuclear Operations
Duke Energy Carolinas, LLC
P.O. Box 1006 - EC03XM
526 South Church St.
Charlotte, NC 28201-1006

SUBJECT: ISSUANCE OF AMENDMENTS REGARDING PROPOSED IMPLEMENTATION OF TSTF-511, REVISION 0, "ELIMINATE WORKING HOUR RESTRICTIONS FROM TS 5.2.2 TO SUPPORT COMPLIANCE WITH 10 CFR PART 26." CATAWBA NUCLEAR STATION, UNITS 1 AND 2; MCGUIRE NUCLEAR STATION, UNITS 1 AND 2; OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 (TAC NOS. ME0951, ME0952, ME9053, ME0954, ME0955, ME0956 AND, ME0957)

Dear Mr. Jones:

By letter dated February 27, 2009, Duke Energy Carolinas, LLC, (the licensee) requested approval of amendments that would delete those portions of the Technical Specifications (TSs) superseded by the *Code of Federal Regulations*, Part 26, Subpart I. The proposed changes are consistent with Nuclear Regulatory Commission (NRC)-approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." The NRC staff has reviewed the proposed changes and found them acceptable.

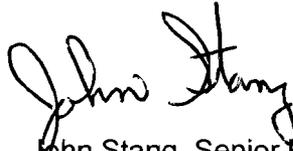
Accordingly, the Commission has issued the enclosed Amendment No. 251 to Renewed Facility Operating License NPF-35, Amendment No. 246 to Renewed Facility Operating License NPF-52, Amendment No. 253 to Renewed Facility Operating License NPF- 9, Amendment No. 233 to Renewed Facility Operating License NPF-17, Amendment No. 365 to Renewed Facility Operating License DPR-38, Amendment No. 367 to Renewed Facility Operating License DPR-47, and Amendment No. 366 to Renewed Facility Operating License DPR-55, for the Catawba Nuclear Station, Units 1 and 2, McGuire Nuclear Station, Units 1 and 2, Oconee Nuclear Station Units 1, 2, and 3, respectively.

R. Jones

- 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,

A handwritten signature in black ink, appearing to read "John Stang". The signature is written in a cursive style with a large, looped initial "J".

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

Docket Nos. 50-413, 50-414, 50-369, 50-370,
50-269, 50-270, and 50-287

Enclosures:

1. Amendment No. 251 to NPF-35
2. Amendment No. 246 to NPF-52
3. Amendment No. 253 to NPF-9
4. Amendment No. 233 to NPF-17
5. Amendment No. 365 to DPR-38
6. Amendment No. 367 to DPR-47
7. Amendment No. 366 to DPR-55
8. Safety Evaluation

cc w/encls: Distribution via Listserv



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DUKE ENERGY CAROLINAS, LLC

NORTH CAROLINA ELECTRIC MEMBERSHIP CORPORATION

DOCKET NO. 50-413

CATAWBA NUCLEAR STATION, UNIT 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 251
Renewed License No. NPF-35

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Catawba Nuclear Station, Unit 1 (the facility) Renewed Facility Operating License No. NPF-35 filed by the Duke Energy Carolinas, LLC, acting for itself, and North Carolina Electric Membership Corporation (licensees), dated February 27, 2009, 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 Renewed Facility Operating License No. NPF-35 is hereby amended to read as follows:

- (2) Technical Specifications

- The Technical Specifications contained in Appendix A, as revised through Amendment No. 251 , which are attached hereto, are hereby incorporated into this license. Duke Energy Carolinas, LLC, 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



Jon Thompson, Acting Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to License No. NPF-35
and the Technical Specifications

Date of Issuance: September 21, 2009



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DUKE ENERGY CAROLINAS, LLC

NORTH CAROLINA MUNICIPAL POWER AGENCY NO. 1

PIEDMONT MUNICIPAL POWER AGENCY

DOCKET NO. 50-414

CATAWBA NUCLEAR STATION, UNIT 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 246
Renewed License No. NPF-52

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Catawba Nuclear Station, Unit 2 (the facility) Renewed Facility Operating License No. NPF-52 filed by the Duke Energy Carolinas, LLC, acting for itself, North Carolina Municipal Power Agency No. 1 and Piedmont Municipal Power Agency (licensees), dated February 27, 2009, 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 Renewed Facility Operating License No. NPF-52 is hereby amended to read as follows:

- (2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 246 , which are attached hereto, are hereby incorporated into this license. Duke Energy Carolinas, LLC, 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



Jon Thompson, Acting Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to License No. NPF-52
and the Technical Specifications

Date of Issuance: September 21, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 251
RENEWED FACILITY OPERATING LICENSE NO. NPF-35
DOCKET NO. 50-413
AND LICENSE AMENDMENT NO. 246
RENEWED FACILITY OPERATING LICENSE NO. NPF-52
DOCKET NO. 50-414

Replace the following pages of the Renewed Facility Operating Licenses and the Appendix A Technical Specifications (TSs) with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

License
NPF-35, page 4
NPF-52, page 4

TSs
5.2-2
5.2-3

Insert Pages

License
NPF-35, page 4
NPF-52, page 4

TSs
5.2-2
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(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 251 which are attached hereto, are hereby incorporated into this renewed operating license. Duke Energy Carolinas, LLC shall operate the facility in accordance with the Technical Specifications.

(3) Updated Final Safety Analysis Report

The Updated Final Safety Analysis Report supplement submitted pursuant to 10 CFR 54.21(d), as revised on December 16, 2002, describes certain future activities to be completed before the period of extended operation. Duke shall complete these activities no later than February 24, 2026, and shall notify the NRC in writing when implementation of these activities is complete and can be verified by NRC inspection.

The Updated Final Safety Analysis Report supplement as revised on December 16, 2002, described above, shall be included in the next scheduled update to the Updated Final Safety Analysis Report required by 10 CFR 50.71(e)(4), following issuance of this renewed operating license. Until that update is complete, Duke may make changes to the programs described in such supplement without prior Commission approval, provided that Duke evaluates each such change pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section.

(4) Antitrust Conditions

Duke Energy Carolinas, LLC shall comply with the antitrust conditions delineated in Appendix C to this renewed operating license.

(5) Fire Protection Program (Section 9.5.1, SER, SSER #2, SSER #3, SSER #4, SSER #5)*

Duke Energy Carolinas, LLC shall implement and maintain in effect all provisions of the approved fire protection program as described in the Updated Final Safety Analysis Report, as amended, for the facility and as approved in the SER through Supplement 5, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

*The parenthetical notation following the title of this renewed operating license condition denotes the section of the Safety Evaluation Report and/or its supplements wherein this renewed license condition is discussed.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 246 which are attached hereto, are hereby incorporated into this renewed operating license. Duke Energy Carolinas, LLC shall operate the facility in accordance with the Technical Specifications.

(3) Updated Final Safety Analysis Report

The Updated Final Safety Analysis Report supplement submitted pursuant to 10 CFR 54.21(d), as revised on December 16, 2002, describes certain future activities to be completed before the period of extended operation. Duke shall complete these activities no later than February 24, 2026, and shall notify the NRC in writing when implementation of these activities is complete and can be verified by NRC inspection.

The Updated Final Safety Analysis Report supplement as revised on December 16, 2002, described above, shall be included in the next scheduled update to the Updated Final Safety Analysis Report required by 10 CFR 50.71(e)(4), following issuance of this renewed operating license. Until that update is complete, Duke may make changes to the programs described in such supplement without prior Commission approval, provided that Duke evaluates each such change pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section.

(4) Antitrust Conditions

Duke Energy Carolinas, LLC shall comply with the antitrust conditions delineated in Appendix C to this renewed operating license.

(5) Fire Protection Program (Section 9.5.1, SER, SSER #2, SSER #3, SSER #4, SSER #5)*

Duke Energy Carolinas, LLC shall implement and maintain in effect all provisions of the approved fire protection program as described in the Updated Final Safety Analysis Report, as amended, for the facility and as approved in the SER through Supplement 5, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

*The parenthetical notation following the title of this renewed operating license condition denotes the section of the Safety Evaluation Report and/or its supplements wherein this renewed license condition is discussed.

5.2 Organization

5.2.2 Unit Staff (continued)

- b. At least one licensed Reactor Operator (RO) shall be present in the control room when fuel is in the reactor. In addition, while the unit is in MODE 1, 2, 3, or 4, at least one licensed Senior Reactor Operator (SRO) shall be present in the control room.
 - c. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and 5.2.2.a and 5.2.2.g for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.
 - d. A Radiation Protection Technician shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours, in order to provide for unexpected absence, provided immediate action is taken to fill the required position.
 - e. Deleted. |
 - f. The Operations Superintendent shall hold or have held a SRO license. The Shift Operations Manager, Shift Supervisor, and Assistant Shift Supervisor shall hold an SRO license. The Reactor Operator shall hold a Reactor Operator License.
 - g. The Shift Work Manager, whose functions include those of a Shift Technical Advisor (STA), shall provide advisory technical support to the Shift Supervisor in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. In addition, the Shift Work Manager shall meet the qualifications for STA specified by the Commission Policy Statement on Engineering Expertise on Shift.
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DUKE POWER COMPANY LLC

DOCKET NO. 50-369

MCGUIRE NUCLEAR STATION, UNIT 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 253
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 February 27, 2009, 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 Renewed 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. 253 , 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



Jon Thompson, Acting Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to Renewed Facility
Operating License No. NPF-9

Date of Issuance: September 21, 2009



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DUKE POWER COMPANY LLC

DOCKET NO. 50-370

MCGUIRE NUCLEAR STATION, UNIT 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 233
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 February 27, 2009, 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 Renewed 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. 233 , 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



Jon Thompson, Acting Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to Renewed Facility
Operating License No. NPF-17

Date of Issuance: September 21, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 253

RENEWED FACILITY OPERATING LICENSE NO. NPF-9

DOCKET NO. 50-369

AND

LICENSE AMENDMENT NO. 233

RENEWED FACILITY OPERATING LICENSE NO. NPF-17

DOCKET NO. 50-370

Replace the following pages of the Renewed Facility Operating Licenses and the Appendix A Technical Specifications (TSs) with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

Insert Pages

License

NPF-9, page 3
NPF-17, page 3

License

NPF-9, page 3
NPF-17, page 3

TSs

5.2-2
5.2-3

TSs

5.2-2
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- (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components;
- (5) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproducts and special nuclear materials as may be produced by the operation of McGuire Nuclear Station, Units 1 and 2, and;
- (6) Pursuant to the Act and 10 CFR Parts 30 and 40, to receive, possess and process for release or transfer such byproduct material as may be produced by the Duke Training and Technology Center.

C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at a reactor core full steady state power level of 3411 megawatts thermal (100%).

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 253, are hereby incorporated into this renewed operating license. The licensee shall operate the facility in accordance with the Technical Specifications.

(3) Updated Final Safety Analysis Report

The Updated Final Safety Analysis Report supplement submitted pursuant to 10 CFR 54.21(d), as revised on December 16, 2002, describes certain future activities to be completed before the period of extended operation. Duke shall complete these activities no later than June 12, 2021, and shall notify the NRC in writing when implementation of these activities is complete and can be verified by NRC inspection.

The Updated Final Safety Analysis Report supplement as revised on December 16, 2002, described above, shall be included in the next scheduled update to the Updated Final Safety Analysis Report required by 10 CFR 50.71(e)(4), following issuance of this renewed operating license. Until that update is complete, Duke may make changes to the programs described in such supplement without prior Commission approval, provided that Duke evaluates each such change pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section.

- (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components;
 - (5) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproducts and special nuclear materials as may be produced by the operation of McGuire Nuclear Station, Units 1 and 2; and,
 - (6) Pursuant to the Act and 10 CFR Parts 30 and 40, to receive, possess and process for release or transfer such byproduct material as may be produced by the Duke Training and Technology Center.
- C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at a reactor core full steady state power level of 3411 megawatts thermal (100%).

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 233, are hereby incorporated into this renewed operating license. The licensee shall operate the facility in accordance with the Technical Specifications.

(3) Updated Final Safety Analysis Report

The Updated Final Safety Analysis Report supplement submitted pursuant to 10 CFR 54.21(d), as revised on December 16, 2002, describes certain future activities to be completed before the period of extended operation. Duke shall complete these activities no later than March 3, 2023, and shall notify the NRC in writing when implementation of these activities is complete and can be verified by NRC inspection.

The Updated Final Safety Analysis Report supplement as revised on December 16, 2002, described above, shall be included in the next scheduled update to the Updated Final Safety Analysis Report required by 10 CFR 50.71(e)(4), following issuance of this renewed operating license. Until that update is complete, Duke may make changes to the programs described in such supplement without prior Commission approval, provided that Duke evaluates each such change pursuant to the criteria set forth in 10 CFR 50.59, and otherwise complies with the requirements in that section.

5.2 Organization (continued)

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. A non-licensed operator shall be assigned to each reactor containing fuel and an additional non-licensed operator shall be assigned for each control room from which a reactor is operating in MODES 1, 2, 3, or 4.

A total of three non-licensed operators are required for the two units.

- b. At least one licensed Reactor Operator (RO) shall be present in the control room when fuel is in the reactor. In addition, while the unit is in MODE 1, 2, 3, or 4, at least one licensed Senior Reactor Operator (SRO) shall be present in the control room.
 - c. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and 5.2.2.a and 5.2.2.g for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.
 - d. A Radiation Protection Technician shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours, in order to provide for unexpected absence, provided immediate action is taken to fill the required position.
 - e. Deleted.
 - f. The Operations Manager shall hold or have held an SRO license.
 - g. The Shift Technical Advisor (STA) shall provide advisory technical support to the Control Room Senior Reactor Operator (CRSRO) in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit.
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DUKE POWER COMPANY LLC

DOCKET NO. 50-269

OCONEE NUCLEAR STATION, UNIT 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 365
Renewed License No. DPR-38

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Oconee Nuclear Station, Unit 1 (the facility), Renewed Facility Operating License No. DPR-38 filed by the Duke Power Company LLC (the licensee), dated February 27, 2009, 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 3.B of Renewed Facility Operating License No. DPR-38 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 365 , are hereby incorporated in the 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



Jon Thompson, Acting Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to Renewed Facility
Operating License No. DPR-38

Date of Issuance: September 21, 2009



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DUKE POWER COMPANY LLC

DOCKET NO. 50-270

OCONEE NUCLEAR STATION, UNIT 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 367
Renewed License No. DPR-47

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Oconee Nuclear Station, Unit 2 (the facility), Renewed Facility Operating License No. DPR-47 filed by the Duke Power Company LLC (the licensee), dated February 27, 2009, 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 3.B of Renewed Facility Operating License No. DPR-47 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 367 , are hereby incorporated in the 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



Jon Thompson, Acting Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to Renewed Facility
Operating License No. DPR-47

Date of Issuance: September 21, 2009



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DUKE POWER COMPANY LLC

DOCKET NO. 50-287

OCONEE NUCLEAR STATION, UNIT 3

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 366
Renewed License No. DPR-55

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Oconee Nuclear Station, Unit 3 (the facility), Renewed Facility Operating License No. DPR-55 filed by the Duke Power Company LLC (the licensee), dated February 27, 2009, 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 3.B of Renewed Facility Operating License No. DPR-55 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 366 , are hereby incorporated in the 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



Jon Thompson, Acting Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to Renewed Facility
Operating License No. DPR-55

Date of Issuance: September 21, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 365
RENEWED FACILITY OPERATING LICENSE NO. DPR-38
DOCKET NO. 50-269
AND
TO LICENSE AMENDMENT NO. 367
RENEWED FACILITY OPERATING LICENSE NO. DPR-47
DOCKET NO. 50-270
AND
TO LICENSE AMENDMENT NO. 366
RENEWED FACILITY OPERATING LICENSE NO. DPR-55
DOCKET NO. 50-287

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

Remove Pages

Licenses

License No. DPR-38, page 3
License No. DPR-47, page 3
License No. DPR-55, page 3

TSs

5.0-3

Insert Pages

Licenses

License No. DPR-38, page 3
License No. DPR-47, page 3
License No. DPR-55, page 3

TSs

5.0-3

Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2568 megawatts thermal.

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 365, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

C. This license is subject to the following antitrust conditions:

Applicant makes the commitments contained herein, recognizing that bulk power supply arrangements between neighboring entities normally tend to serve the public interest. In addition, where there are net benefits to all participants, such arrangements also serve the best interests of each of the participants. Among the benefits of such transactions are increased electric system reliability, a reduction in the cost of electric power, and minimization of the environmental effects of the production and sale of electricity.

Any particular bulk power supply transaction may afford greater benefits to one participant than to another. The benefits realized by a small system may be proportionately greater than those realized by a larger system. The relative benefits to be derived by the parties from a proposed transaction, however, should not be controlling upon a decision with respect to the desirability of participating in the transaction. Accordingly, applicant will enter into proposed bulk power transactions of the types hereinafter described which, on balance, provide net benefits to applicant. There are net benefits in a transaction if applicant recovers the cost of the transaction (as defined in ¶1 (d) hereof) and there is no demonstrable net detriment to applicant arising from that transaction.

1. As used herein:

- (a) "Bulk Power" means electric power and any attendant energy, supplied or made available at transmission or sub-transmission voltage by one electric system to another.
- (b) "Neighboring Entity" means a private or public corporation, a governmental agency or authority, a municipality, a cooperative, or a lawful association of any of the foregoing owning or operating, or

Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2568 megawatts thermal.

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 367, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

C. This license is subject to the following antitrust conditions:

Applicant makes the commitments contained herein, recognizing that bulk power supply arrangements between neighboring entities normally tend to serve the public interest. In addition, where there are net benefits to all participants, such arrangements also serve the best interests of each of the participants. Among the benefits of such transactions are increased electric system reliability, a reduction in the cost of electric power, and minimization of the environmental effects of the production and sale of electricity.

Any particular bulk power supply transaction may afford greater benefits to one participant than to another. The benefits realized by a small system may be proportionately greater than those realized by a larger system. The relative benefits to be derived by the parties from a proposed transaction, however, should not be controlling upon a decision with respect to the desirability of participating in the transaction. Accordingly, applicant will enter into proposed bulk power transactions of the types hereinafter described which, on balance, provide net benefits to applicant. There are net benefits in a transaction if applicant recovers the cost of the transaction (as defined in ¶1 (d) hereof) and there is no demonstrable net detriment to applicant arising from that transaction.

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- (a) "Bulk Power" means electric power and any attendant energy, supplied or made available at transmission or sub-transmission voltage by one electric system to another.
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Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2568 megawatts thermal.

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 366, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

C. This license is subject to the following antitrust conditions:

Applicant makes the commitments contained herein, recognizing that bulk power supply arrangements between neighboring entities normally tend to serve the public interest. In addition, where there are net benefits to all participants, such arrangements also serve the best interests of each of the participants. Among the benefits of such transactions are increased electric system reliability, a reduction in the cost of electric power, and minimization of the environmental effects of the production and sale of electricity.

Any particular bulk power supply transaction may afford greater benefits to one participant than to another. The benefits realized by a small system may be proportionately greater than those realized by a larger system. The relative benefits to be derived by the parties from a proposed transaction, however, should not be controlling upon a decision with respect to the desirability of participating in the transaction. Accordingly, applicant will enter into proposed bulk power transactions of the types hereinafter described which, on balance, provide net benefits to applicant. There are net benefits in a transaction if applicant recovers the cost of the transaction (as defined in ¶1 (d) hereof) and there is no demonstrable net detriment to applicant arising from that transaction.

1. As used herein:

- (a) "Bulk Power" means electric power and any attendant energy, supplied or made available at transmission or sub-transmission voltage by one electric system to another.
- (b) "Neighboring Entity" means a private or public corporation, a governmental agency or authority, a municipality, a cooperative, or a lawful association of any of the foregoing owning or operating, or

5.2 Organization

5.2.2 Station Staff (continued)

- b. At least one licensed Reactor Operator (RO) per unit shall be present in the control room when fuel is in the reactor. In addition, while the unit is in MODE 1, 2, 3, or 4, at least one licensed Senior Reactor Operator (SRO) shall be present in the control room.
- c. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and 5.2.2.a and 5.2.2.g for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.
- d. A Radiation Protection Technician shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours, in order to provide for unexpected absence, provided immediate action is taken to fill the required position.
- e. Deleted.
- f. The Operations Superintendent or Shift Operations Manager shall hold an SRO license.
- g. The Shift Work Manager, whose functions include those of a Shift Technical Advisor (STA), shall provide advisory technical support to the Shift Supervisor (SS) in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. In addition, the Shift Work Manager shall meet the qualifications for STA specified by the Commission Policy Statement on Engineering Expertise on Shift.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

REGARDING IMPLEMENTATION OF TSTF-511, REVISION 0,

"ELIMINATE WORKING HOUR RESTRICTIONS FROM TS 5.2.2

TO SUPPORT COMPLIANCE WITH 10 CFR PART 26"

CATAWBA NUCLEAR STATION, UNITS 1 AND 2

DOCKET NOS. 50-413 AND 50-414

AMENDMENT NO. 251 TO RENEWED FACILITY OPERATING LICENSE NPF-35

AMENDMENT NO. 246 TO RENEWED FACILITY OPERATING LICENSE NPF-52

MCGUIRE NUCLEAR STATION, UNITS 1 AND 2

DOCKET NOS. 50-369 AND 50-370

AMENDMENT NO. 253 TO RENEWED FACILITY OPERATING LICENSE NPF-9

AMENDMENT NO. 233 TO RENEWED FACILITY OPERATING LICENSE NPF-17

OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3

DOCKET NOS. 50-269, 50-270, AND 50-287

AMENDMENT NO. 365 TO RENEWED FACILITY OPERATING LICENSE NO. DPR-38

AMENDMENT NO. 367 TO RENEWED FACILITY OPERATING LICENSE NO. DPR-47

AMENDMENT NO. 366 TO RENEWED FACILITY OPERATING LICENSE NO. DPR-55

1.0 INTRODUCTION

By application dated February 27, 2009 (Agencywide Documents Access and Management System (ADAMS)) Accession No. ML091120200, Duke Energy Carolinas, LLC (the licensee), requested changes to the Technical Specifications (TSs) for the licensee's nuclear plants listed in Table 1 below. The proposed changes would delete the TSs section titled "Unit Staff/Station Staff" as listed in Table 1.

Enclosure

The licensee stated that the application is consistent with Nuclear Regulatory Commission (NRC)-approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." The technical evaluation Section 3.0 contains the differences between TSTF-511 and the TSs for the licensee listed in Table 1. The availability of this TS improvement was announced in the *Federal Register* on December 30, 2008 (73 FR 79923) as part of the consolidated line item improvement process (CLIP).

Table 1

Nuclear Power Plant	TS Section	Paragraph
Catawba Nuclear Station, Units 1 and 2 (Catawba)	TS 5.2.2	e
McGuire Nuclear Station, Units 1 and 2 (McGuire)	TS 5.2.2	e
Oconee Nuclear Station, Units 1, 2 and 3 (Oconee)	TS 5.0-3	e

2.0 REGULATORY EVALUATION

The history of the NRC regulations pertaining to prevention of worker impairment is summarized in the *Federal Register* notice containing the final rule that amended Title 10 of the *Code of Federal Regulations* (CFR), Part 26 (73 FR 16966), March 31, 2008. Part 26, Subpart I provides the regulatory requirements for managing worker fatigue at nuclear power plants.

The NRC's regulatory requirements related to the content of the TSs are contained in 10 CFR Part 50.36. Section 50.36 requires that the TSs include items in the following categories: (1) safety limits, limiting safety systems settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) Surveillance Requirements (SRs); (4) design features; and (5) administrative controls. The administrative controls are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facilities in a safe manner.

The NRC's guidance for the format and content of licensee Technical Specifications can be found in NUREG-1430, Revision 3.0, "Standard Technical Specifications Babcock and Wilcox Plants," NUREG-1431, Revision 3.0, "Standard Technical Specifications Westinghouse Plants," NUREG-1432, Revision 3.0, "Standard Technical Specifications Combustion Engineering Plants," NUREG-1433, Revision 3.0, "Standard Technical Specifications General Electric Plants, BWR/4," and NUREG-1434, Revision 3.0, "Standard Technical Specifications General Electric Plants, BWR/6," referred to as Standard Technical Specifications (STs). Section 5 of STs contains administrative controls. Paragraph d of Section 5.2.2 of STs contains requirements for administrative procedures to limit the working hours of personnel who perform safety-related functions. This paragraph represents NRC's guidance on how licensee TS requirements should address work-hour controls. Licensees adhere to the guidance to varying degrees due to minor administrative differences and differences in each licensee's current licensing basis. The inconsistent level of adherence to NRC guidance has led to inconsistent TS interpretation and implementation. This has also made it difficult for the NRC to enforce the requirements.

The new requirements of 10 CFR Part 26, Subpart I supersede the guidance for requirements found in paragraph d of Section 5.2.2 of all STSs. Subpart I distinguishes between work-hour controls and fatigue management and strengthens the requirements for both. Subpart I requires nuclear power plant licensees to ensure against worker fatigue adversely affecting public health and safety and the common defense and security by establishing clear and enforceable requirements for the management of worker fatigue. Licensees are required to implement Subpart I by October 1, 2009, as announced in the Final rule that revised 10 CFR Part 26 (73 FR 16966) March 31, 2008. TSTF-511 proposed a change to the STSs that would delete paragraph d of STS 5.2.2. This change was approved in a *Federal Register* notice published on December 30, 2008 (73 FR 79923).

Proper adoption of TSTF-511 and implementation of 10 CFR Part 26, Subpart I by the licensee will provide reasonable assurance that the licensee will maintain limits on the working hours of personnel who perform safety-related functions. The licensee has committed to remove the plant-specific TS requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

3.0 TECHNICAL EVALUATION

Controls on work hours for personnel at nuclear power plants are necessary to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Work-hour controls for the licensee's nuclear plants are currently located in the TS section and paragraph referenced in Table 1. When implemented, the regulatory requirements of 10 CFR Part 26, Subpart I replaces the plant-specific TS requirements found in Table 1 for the licensee's nuclear plants.

The licensee proposed deleting the TS section and paragraph referenced in Table 1. The licensee committed to implement the new requirements of 10 CFR Part 26, Subpart I concurrently with the deletion of the TS requirements on work-hour controls. The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitment(s) are best provided by the licensee's administrative processes, including its commitment management program (see Regulatory Issue Summary 2000-017, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff"). The above regulatory commitments do not warrant the creation of regulatory requirements (items requiring prior NRC approval of subsequent changes).

3.1 Catawba Nuclear Station, Units 1 and 2 (Catawba)

There are minor differences between the Catawba TSs and TSTF-511. First, the equivalent Catawba TS where work-hour restrictions are located is TS 5.2.2, paragraph e. This differs from TSTF-511, where work-hour restrictions are located in STS 5.2.2, paragraph d.

Second, while the text of Catawba TS 5.2.2, paragraph e, is similar to the text of TSTF-511, STS 5.2.2, paragraph d, it is not an exact duplicate. The most significant differences are as follows:

TSTF-511, STS 5.2.2, paragraph d states, "The controls shall include guidelines on working hours that ensure adequate shift coverage shall be maintained without routine heavy use of overtime." Catawba, TS 5.2.2, paragraph e states, "Adequate shift coverage shall be maintained without routine heavy use of overtime," and incorporates the guidelines to be followed in TS 5.2.2 paragraph e.

TSTF-511, STS 5.2.2, paragraph d states that the plant manager or plant manager's designee must authorize deviations from the guideline on working hours. Catawba, TS 5.2.2, paragraph e allows such deviations to be approved by the station manager, or their designee, or by higher levels of management.

TSTF-511, STS 5.2.2, paragraph d requires the conduct of a periodic, independent review to ensure that excessive hours have not been assigned. Catawba, TS 5.2.2, paragraph e does not require that this review be independent but rather requires that the review be conducted monthly by the station manager or a designee.

These differences are insignificant as the intent of TSTF-511 is to delete TSs superseded by the revised regulations in 10 CFR Part 26, Subpart I.

3.2 McGuire Nuclear Station, Units 1 and 2 (McGuire)

There are minor differences between the McGuire TSs and TSTF-511. First, the equivalent McGuire TS where work-hour restrictions are located is TS 5.2.2, paragraph e. This differs from TSTF-511, where work-hour restrictions are located in STS 5.2.2, paragraph d.

Second, while the text of McGuire TS 5.2.2, paragraph e, is similar to the text of TSTF 511, STS 5.2.2, paragraph d, it is not an exact duplicate. The most significant differences are as follows:

TSTF-511, STS 5.2.2, paragraph d states, "The controls shall include guidelines on working hours that ensure adequate shift coverage shall be maintained without routine heavy use of overtime." McGuire, TS 5.2.2, paragraph e states, "Adequate shift coverage shall be maintained without routine heavy use of overtime," and incorporates the guidelines to be followed in TS 5.2.2 paragraph e.

TSTF-511, STS 5.2.2, paragraph d states that the plant manager or plant manager's designee must authorize deviations from the guideline on working hours. McGuire, TS 5.2.2, paragraph e allows such deviations to be approved by the station manager, or their designee, or by higher levels of management.

TSTF-511, STS 5.2.2, paragraph d requires the conduct of a periodic, independent review to ensure that excessive hours have not been assigned. McGuire, TS 5.2.2, paragraph e does not require that this review be independent but rather requires that the review be conducted monthly by the station manager or a designee.

These differences are insignificant as the intent of TSTF-511 is to delete TSs superseded by the revised regulations in 10 CFR Part 26, Subpart I.

3.3 Oconee Nuclear Station, Units 1, 2 and 3 (Oconee)

There are minor differences between Oconee TS and TSTF-511. First, the equivalent Oconee TSs where work-hour restrictions are located is TS 5.2.2, paragraph e. This differs from TSTF-511, where work-hour restrictions are located in STS 5.2.2, paragraph d. Second, while the text of Oconee TS 5.2.2, paragraph e, is similar to the text of TSTF 511, STS 5.2.2, paragraph d, it is not an exact duplicate. The most significant differences are as follows:

TSTF-511, STS 5.2.2, paragraph d states that the plant manager or plant manager's designee must authorize deviations from the guideline on working hours. Oconee TS 5.2.2, paragraph e allows such deviations to be approved by the station manager, or their designee, or by higher levels of management.

TSTF-511, STS 5.2.2, paragraph d requires the conduct of a periodic, independent review to ensure that excessive hours have not been assigned. Oconee TS 5.2.2, paragraph e does not require that this review be independent but rather requires that the review be conducted periodically.

These differences are insignificant as the intent of TSTF-511 is to delete TSs superseded by the revised regulations in 10 CFR Part 26, Subpart I.

3.4 Summary

The NRC staff evaluated the licensee's proposed changes against the applicable regulatory requirements stated in Section 2 of this safety evaluation. The NRC staff also compared the proposed changes to the change made to the STSs by TSTF-511. The NRC staff considered the licensee's commitment to implement 10 CFR Part 26, Subpart I concurrently with the deletion of TS work-hour control requirements in its evaluation of the proposed changes. Given the licensee's commitment, there is reasonable assurance that the licensee will comply with the regulations for work-hour controls, either through TS requirements or through the requirements of 10 CFR Part 26, Subpart I, at all times at the licensee's nuclear plants listed in Table 1. Therefore, the licensee will continue to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Therefore, the NRC staff finds the proposed changes to the TSs acceptable.

4.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION

The Commission's regulations in 10 CFR 50.92(c), "Issuance of amendment," state that the Commission may make a final determination that a license amendment involves no significant hazards consideration if operation of the facility in accordance with the amendment would not:

- (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or
- (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or
- (3) Involve a significant reduction in a margin of safety.

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1: The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change removes Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. Removal of the Technical Specification requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I, requirements. The proposed change does not impact the physical configuration or function of plant structures, systems, or components (SSCs) or the manner in which SSCs are operated, maintained, modified, tested, or inspected. Worker fatigue is not an initiator of any accident previously evaluated. Worker fatigue is not an assumption in the consequence mitigation of any accident previously evaluated.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2: The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change removes Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. Working hours will continue to be controlled in accordance with NRC requirements. The new rule allows for deviations from controls to mitigate or prevent a condition adverse to safety or as necessary to maintain the security of the facility. This ensures that the new rule will not unnecessarily restrict working hours and thereby create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3: The proposed change does not involve a significant reduction in a margin of safety.

The proposed change removes Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. The proposed change does not involve any physical changes to plant or alter the manner in which plant systems are operated, maintained, modified, tested, or inspected. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not

affected by this change. The proposed change will not result in plant operation in a configuration outside the design basis. The proposed change does not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition.

Removal of plant-specific Technical Specification administrative requirements will not reduce a margin of safety because the requirements in 10 CFR Part 26 are adequate to ensure that worker fatigue is managed.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, has concluded that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff has made a final determination that the proposed amendment involves no significant hazards consideration.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the North Carolina and South Carolina State officials were notified of the proposed issuance of the amendments. The State officials had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

The amendments relate to changes in recordkeeping, reporting, or administrative procedures or requirements. 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 environmental assessment need be prepared in connection with the issuance of the amendments.

7.0 CONCLUSION

The NRC staff has concluded, based on the considerations discussed above, that: (1) the amendment does not (a) involve a significant increase in the probability or consequences of an accident previously evaluated or, (b) create the possibility of a new or different kind of accident from any previously evaluated or, (c) involve a significant reduction in a margin of safety and therefore, the amendments do not involve a significant hazards consideration; (2) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (3) such activities will be conducted in compliance with the Commission's regulations, and (4) 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 Contributors: K. Bucholtz
A. Lewin

Date: September 21, 2009

R. Jones

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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. 50-413, 50-414, 50-369, 50-370,
50-269, 50-270, and 50-287

Enclosures:

1. Amendment No. 251 to NPF-35
2. Amendment No. 246 to NPF-52
3. Amendment No. 253 to NPF-9
4. Amendment No. 233 to NPF-17
5. Amendment No. 365 to DPR-38
6. Amendment No. 367 to DPR-47
7. Amendment No. 366 to DPR-55
8. Safety Evaluation

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DATE	9/18/09	9/2/09	07/28/09	9/14/09	9/21/09	9/18/09

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