



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

August 17, 2010

Mr. J. R. Morris
Site Vice President
Catawba Nuclear Station
Duke Energy Carolinas, LLC
4800 Concord Road
York, SC 29745

Mr. Regis T. Repko
Vice President
McGuire Nuclear Station
Duke Energy Carolinas, LLC
12700 Hagers Ferry Road
Huntersville, NC 28078

Mr. Dave Baxter
Vice President, Oconee Site
Duke Energy Carolinas, LLC
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: CATAWBA NUCLEAR STATION, UNITS 1 AND 2, MCGUIRE NUCLEAR STATION, UNITS 1 AND 2, AND OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3, EVALUATION OF AMENDMENT 37 OF TOPICAL REPORT ON QUALITY ASSURANCE PROGRAM (TAC NOS. ME3387, ME3388, ME3389, ME3390, ME3391, ME3392, ME3393, ME4394, ME4395, ME4396, ME4397, ME4398, ME4399, AND ME4400)

Dear Messrs. Morris, Repko, and Baxter:

By letter dated February 11, 2010, as supplemented June 10, 2010, Duke Energy Carolinas, LLC (the licensee), submitted Amendment 37 to Topical Report, "Duke-1-A, Quality Assurance Program," as it pertains to the Catawba Nuclear Station, Units 1 and 2, McGuire Nuclear Station Units 1 and 2, and Oconee Nuclear Station, Units 1, 2, and 3.

By letter dated July 28, 2010, the licensee again supplemented Amendment 37. The supplement contained a request for approval in a reduction in commitment to the Duke Energy Carolinas, LLC, Quality Assurance Program.

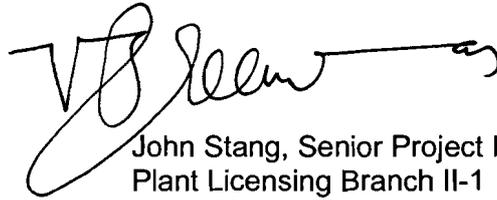
The Nuclear Regulatory Commission (NRC) staff has completed its review of the changes and concludes that all the proposed changes are acceptable. The NRC staff's safety evaluation is enclosed.

J. Morris, R. Repko, and D. Baxter

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If you have any questions, please call me at 301-415-1345.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Stang", with a long horizontal flourish extending to the right.

for
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

Enclosure:
Safety Evaluation

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UNITED STATES
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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO

AMENDMENT 37 TO TOPICAL REPORT

"DUKE-1-A, QUALITY ASSURANCE PROGRAM"

DUKE ENERGY CAROLINAS, LLC

CATAWBA NUCLEAR STATION, UNITS 1 AND 2

DOCKET NOS. 50-413 AND 50-414

MCGUIRE NUCLEAR STATION, UNITS 1 AND 2

DOCKET NOS. 50-369 AND 50-370

OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3

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

1.0 INTRODUCTION

By letter to the Nuclear Regulatory Commission (NRC, the Commission) dated February 11, 2010 (Agencywide Documents Access and Management System (ADAMS), Accession No. ML100491356), as supplemented by letters dated June 10, 2010 (ADAMS Accession No. ML101690093), and July 28, 2010 (ADAMS Accession No. ML102110294), Duke Energy Carolinas, LLC (the licensee) submitted Amendment 37 to the Quality Assurance Topical Report (QATR), "Duke -1-A, Quality Assurance Program," for review and approval by the NRC staff in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Section 50.54(a)(4).

The proposed amendment includes organizational changes, administrative, clarification and editorial changes, and two requests for a quality assurance (QA) program change. One of the changes was previously approved by an NRC safety evaluation.

Enclosure

2.0 BACKGROUND

The licensee's QA Program Amendment 37 delineates four changes: 1) organizational and title changes; 2) administrative improvements and clarifications, spelling corrections, punctuation or editorial changes; 3) a proposed alternative for Technical Specification (TS) changes and license amendment reviews requiring NRC approval to be performed by the Plant Operations Review Committee (PORC) instead of the Nuclear Safety Review Board (NSRB); and 4) a proposed alternative to allow the conditional release and installation of a nonconforming item.

The organizational and title changes related to QA functions that ensure persons and organizations performing QA functions continue to have the requisite authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations. Additionally, the licensee made changes considered as administrative improvements and clarifications, punctuation and editorial changes.

The licensee also proposed to reassign to the PORC the NSRB independent review responsibilities for the review of license amendments, and changes to the emergency plan.

Additionally, the licensee proposed a change to revise Section 17.3 of the QATR. The proposed change would revise the final paragraph of Section 17.3.2.5, allowing the conditional release and installation of a nonconforming item.

3.0 REGULATORY EVALUATION

The NRC's regulatory requirements related to QA programs are set forth in Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," 10 CFR 50.34(b)(6)(ii) and 10 CFR 50.54(a).

Appendix B to 10 CFR Part 50 establishes QA requirements for the design, construction, and operation of structures, systems, and components (SSCs) of the facility. The pertinent requirements of Appendix B to 10 CFR Part 50 apply to all activities affecting the safety-related functions of those SSCs and include designing, purchasing, fabricating, handling, shipping, storing, cleaning, erecting, installing, inspecting, testing, operating, maintaining, repairing, refueling, and modifying.

Section 50.34, "Contents of applications; technical information," requires that every applicant for an operating license include information in its Final Safety Analysis Report (FSAR) on the managerial and administrative controls to be used to assure safe operation. The information on the controls shall also include a discussion of how the applicable requirements of Appendix B to 10 CFR Part 50 will be satisfied.

Section 50.54 "Conditions of licenses," specifically 10 CFR 50.54(a), states that licensees may make a change to a previously accepted QA program description included or referenced in the FSAR without prior NRC approval, provided the change does not reduce the commitments in the program description as accepted by the NRC. Changes to the QA program description that do reduce the commitments must be submitted to the NRC and receive NRC approval prior to implementation.

4.0 TECHNICAL EVALUATION

The first two proposed changes consisted of organizational and editorial changes pursuant to 50.54(a)(3) and 50.54(a)(3)(iii). Based on the NRC staff's review of these two proposed changes, the NRC staff concludes the changes were made in accordance with regulatory guidelines and therefore, is acceptable.

The third change made by the licensee reassigned the NSRB independent review responsibilities for license amendments and emergency plan changes to the PORC. The licensee cited as precedent a similar change approved by the NRC on January 13, 2005 (ADAMS Accession No. ML050210276), which reassigned NSRB reviews to other site organizations.

The NSRB, as described in Section 17.3.3.2.1 of the licensee's QATR, reports to and advises the President and Chief Nuclear Officer of the results of its independent oversight of plant operations related to safe operation of the station and the company's nuclear program relative to nuclear safety. The PORC, as described in Section 17.3.3.2.2 of the QA program, is composed of specified senior members of the site management team most responsible for the safe and reliable operation of the station. PORC members are responsible for review of selected nuclear safety-related activities.

Pursuant to 10 CFR 50.54(a)(3)(ii), licensees may adopt previously approved alternatives, provided that the bases of the NRC approval are applicable to the licensee's facility. Based on the NRC staff's review of the changes to the QA program that are described in the licensees' submittals, the NRC staff concludes that the proposed alternative to reassign to the PORC the NSRB independent review responsibilities for the review of TS changes, license amendments, and changes to the emergency plan, is acceptable.

The last proposed change was submitted under 50.54(a)(4) as described in the July 28, 2010, supplemental letter. The NRC staff evaluated the licensee's basis for concluding that the revision to Section 17.3 of the QATR continues to satisfy the criteria of Appendix B to 10 CFR Part 50. The NRC staff reviewed the basis for the change, retention of current QA commitments in the proposed QATR, and proposed alternatives and exceptions to methods endorsed by regulatory guides. The NRC staff also reviewed changes considered not to be reductions in QA program commitments in accordance with the provision of 50.54(a)(3).

The licensee's QATR commits to the guidance of ANSI N18.7-1976/American Nuclear Society in lieu of ANSI/ASME NQA-1 and NQA-2. Additionally, the licensee's proposed change was based on ANSI N45.2.2, Section 5.33, as endorsed by Regulatory Guide 1.38, "Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Water-Cooled Nuclear Power Plants."

The NRC staff verified the licensee established the necessary measures and implementing procedures to control the procurement of items and services to assure conformance with the specified requirements. The licensee commitments described in the QATR as proposed comply with the requirements outlined in ANSI N18.7, Section 5.2.13.2 and ANSI N45.2.2, Section 5.3.3. The NRC staff concludes that the proposed change will allow the licensee to perform a conditional release and installation of a nonconforming item, and therefore, is acceptable.

5.0 CONCLUSION

Based on above evaluation, the NRC staff concludes that the QATR satisfies the Commission's requirements for quality assurance programs as established by Appendix B to 10 CFR Part 50. The program description adequately describes how the requirements of Appendix B will be implemented. The basis for the changes to the current QA Program description conforms to the change requirements of 10 CFR 50.54(a). Therefore, it is concluded that the proposed QATR continues to meet the 10 CFR Part 50 requirements for the QA Program, and therefore, is acceptable.

Principal Contributor: J. Ortega-Luciano

Date: August 17, 2010

J. Morris, R. Repko, and D. Baxter

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If you have any questions, please call me at 301-415-1345.

Sincerely,

/RA by VSreenivas for/

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

Enclosure:
Safety Evaluation

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ADAMS Accession No. ML102280230

*** By Memo**

OFFICE	NRR/LPL2-1/PM	NRR/LPL2-1/LA	NRR/EQVB/BC	NRR/LPL2-1/BC	NRR/LPL2-1/PM
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DATE	08/17/2010	08/17/10	08/12/2010	08/17/10	08/17/2010

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