



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

October 7, 2013

Mr. Richard L. Anderson
Vice President
NextEra Energy
Duane Arnold Energy Center
3277 DAEC Road
Palo, IA 52324-9785

SUBJECT: DUANE ARNOLD ENERGY CENTER - ISSUANCE OF AMENDMENT TO
CHANGE RENEWED FACILITY OPERATING LICENSE CONDITION C.12
(TAC NO. MF0075)

Dear Mr. Anderson:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 287 to Renewed Facility Operating License No. DPR-49 for the Duane Arnold Energy Center (DAEC). The amendment consists of changes to the Technical Specifications (TS) in response to your application dated November 13, 2012 (Agency Documents Access and Management System (ADAMS) Accession No. ML12318A286), as supplemented by letters dated May 28, 2013 (ADAMS Accession No. ML13148A282) and letter dated October 1st, 2013 (ADAMS Accession No. ML13276A023).

The amendment revises the DAEC renewed facility operating license condition (RFOLC) C.12 to: (1) clarify that the updated final safety analysis report (UFSAR) supplement had been supplemented by Appendix A of NUREG-1955, "Safety Evaluation Report Related to the License Renewal of Duane Arnold Energy Center," dated November 2010, as supplemented by letter from the licensee to the NRC dated November 23, 2010," (2) replace "future activities to be completed prior to and/or during" with "programs to be implemented and activities to be completed before," (3) included the requirement to implement new programs and enhancements to existing programs no later than February 21, 2014, (4) include the requirement to complete activities no later than February 21, 2014, and (5) include the requirement to notify the NRC within 30 days of having completed the activities.

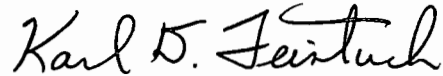
A copy of the Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

R. Anderson

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Please contact Carolyn Faria at (301) 415-4050, if you have any questions.

Sincerely,

Handwritten signature of Karl D. Feintuch in cursive script.

Karl D. Feintuch, Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-331

Enclosures:

1. Amendment No. 287 to
License No. DPR-49
2. Safety Evaluation

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

NEXTERA ENERGY DUANE ARNOLD, LLC

DOCKET NO. 50-331

DUANE ARNOLD ENERGY CENTER

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 287
License No. DPR-49

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by NextEra Energy Duane Arnold, LLC dated November 13, 2012, as supplemented by letter dated May 28, 2013 and letter dated October 1st, 2013, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations 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;
 - 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 by 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. DPR-49 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 287, are hereby incorporated in the license. NextEra Energy Duane Arnold, 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 the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

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

Robert D. Carlson, Chief
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Facility Operating License
and Technical Specifications

Date of Issuance: October 7, 2013

ATTACHMENT TO LICENSE AMENDMENT NO. 287

RENEWED FACILITY OPERATING LICENSE NO. DPR-49

DOCKET NO. 50-331

Replace the following page of Renewed Facility Operating License DPR-49 with the attached revised page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

REMOVE

License Page 3
License Page 7

INSERT

License Page 3
License Page 7

- C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I; Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of 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:

(1) Maximum Power Level

NextEra Energy Duane Arnold, LLC is authorized to operate the Duane Arnold Energy Center at steady state reactor core power levels not in excess of 1912 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 287, are hereby incorporated in the license. NextEra Energy Duane Arnold, LLC shall operate the facility in accordance with the Technical Specifications.

- (a) For Surveillance Requirements (SRs) whose acceptance criteria are modified, either directly or indirectly, by the increase in authorized maximum power level in 2.C.(1) above, in accordance with Amendment No. 243 to Facility Operating License DPR-49, those SRs are not required to be performed until their next scheduled performance, which 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. 243.

(b) Deleted.

(3) Fire Protection Program

NextEra Energy Duane Arnold, LLC shall implement and maintain in effect all provisions of the approved fire protection program that comply with 10 CFR 50.48(a) and 10 CFR 50.48(c), as specified in the licensee amendment request dated August 5, 2011 (and supplements dated October 14, 2011, April 23, 2012, May 23, 2012, July 9, 2012, October 15, 2012, January 11, 2013, February 12, 2013, March 6, 2013, May 1, 2013, May 29, 2013, two supplements dated July 2, 2013, and supplements dated August 5, 2013 and August 28, 2013) and as approved in the safety evaluation report dated September 10, 2013. Except where NRC approval for changes or deviations is required by 10 CFR 50.48(c), and provided no other regulation, technical specification, license condition or requirement would require prior NRC approval, the licensee may make changes to the fire protection program without prior approval of the Commission if those changes satisfy the provisions set forth in 10 CFR 50.48(a) and 10 CFR 50.48(c), the change does not require a change to a technical specification or a license condition, and the criteria listed below are satisfied.

- (11) The information in the UFSAR supplement, as revised, submitted pursuant to 10 CFR 54.21(d), shall be incorporated into the UFSAR no later than the next scheduled update required by 10 CFR 50.71(e) following the issuance of this renewed operating license. Until this update is complete, the licensee may not make changes to the information in the supplement. Following incorporation into the UFSAR, the need for prior Commission approval of any changes will be governed by 10 CFR 50.59.
- (12) The UFSAR supplement, as revised, submitted pursuant to 10 CFR 54.21(d), and as supplemented by Appendix A of NUREG-1955, "Safety Evaluation Report Related to the License Renewal of Duane Arnold Energy Center," dated November 2010, as supplemented by letter from the licensee to the NRC dated November 23, 2010, describes certain programs to be implemented and activities to be completed before the period of extended operation.
- a. NextEra Energy Duane Arnold, LLC shall implement those new programs and enhancements to existing programs no later than February 21, 2014.
 - b. NextEra Energy Duane Arnold, LLC shall complete those activities no later than February 21, 2014.

The licensee shall notify the NRC in writing within 30 days after having accomplished item (a) above and include the status of those activities that have been or remain to be completed in item (b) above.

- (13) The licensee shall implement the most recent staff-approved version of the Boiling Water Reactor Vessels and Internals Project (BWRVIP) Integrated Surveillance Program (ISP) as the method to demonstrate compliance with the requirements of 10 CFR Part 50, Appendix H. Any changes to the BWRVIP ISP capsule withdrawal schedule must be submitted for staff review and approval. Any changes to the BWRVIP ISP capsule withdrawal schedule which affects the time of withdrawal of any surveillance capsules must be incorporated into the licensing basis. If any surveillance capsules are removed without the intent to test them, these capsules must be stored in a manner which maintains them in a condition which would support re-insertion into the reactor pressure vessel if necessary.
- D. This license is effective as of the date of issuance and shall expire at midnight February 21, 2034.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by Eric J. Leeds

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Appendix A Technical Specifications
2. Appendix B Additional Conditions

Date of Issuance: December 16, 2010

Renewed License No. DPR-49
Amendment No. 287



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 287 TO FACILITY OPERATING LICENSE NO. DPR-49

NEXTERA ENERGY DUANE ARNOLD, LLC

DUANE ARNOLD ENERGY CENTER

DOCKET NO. 50-331

1.0 INTRODUCTION

By application sent to the U.S. Nuclear Regulatory Commission (NRC or the Commission) dated November 13, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12318A286), as supplemented by letters dated May 28, 2013 (ADAMS Accession No. ML13148A282) and October 1st, 2013 (ADAMS Accession No. ML13276A023), NextEra Energy Duane Arnold, LLC, (the licensee), requested changes to the Technical Specifications (TSs) for Duane Arnold Energy Center (DAEC). The supplemental letter dated May 28, 2013, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on April 16, 2013 (78 FR 22571).

The proposed changes in the November 13, 2012 request would modify the DAEC renewed facility operating license condition (LC) C.12 to: (1) remove "and/or during," (2) remove "in accordance with Appendix A of NUREG-1955, "Safety Evaluation Report Related to the License Renewal of Duane Arnold Energy Center," dated November 2010, as supplemented by letter from the licensee to the NRC dated November 23, 2010," (3) incorporate the requirement to complete certain activities no later than the period of extended operation (PEO) date of February 21, 2014, and (4) clarify that changes to the programs and activities described in the updated final safety analysis report (UFSAR) supplement may be governed by Title 10 of the Code of Federal Regulations (10 CFR) 50.59 criteria.

The supplemental letter dated May 28, 2013, revised wording for license condition C.12 that: (1) clarified that the updated final safety analysis report (UFSAR) supplement had been supplemented by Appendix A of NUREG-1955, "Safety Evaluation Report Related to the License Renewal of Duane Arnold Energy Center," dated November 2010, as supplemented by letter from the licensee to the NRC dated November 23, 2010," (2) replaced "future activities to be completed prior to and/or during" with "programs to be implemented and activities to be completed before," (3) included the requirement to implement new programs and enhancements to existing programs no later than the PEO, (4) included the requirement to complete activities no later than the PEO, (5) included the requirement to notify the NRC within 30 days of having completed the activities; and (6) deleted the proposed language from LC C.12 stating that licensee can make changes to the UFSAR using 10 CFR 50.59 criteria.

2.0 REGULATORY EVALUATION

By application dated September 30, 2008 (ADAMS Accession No. ML082980480), NextEra Energy Duane Arnold, LLC (the licensee) requested renewal of the operating license in accordance with 10 CFR Part 54 for DAEC for a period of 20 years beyond the February 21, 2014, expiration date.

The NRC's safety review of the license renewal application (LRA) is contained in NUREG-1955, "Safety Evaluation Report Related to the License Renewal of Duane Arnold Energy Center," dated November 2010 (ADAMS Accession No. ML103070013). Appendix A of NUREG-1955 contains a list of 54 commitments made by the applicant as part of the license renewal review.

These commitments are related to completing license renewal-related inspections and implementing, modifying or enhancing aging management programs (AMPs) that manage the aging effects of systems, structures, and components (SSCs) prior to and during the period of extended operation (PEO). During a telephone conference on November 16, 2010, the staff requested additional information regarding implementation of the One-Time Inspection Program, Selective Leaching Program, Structures Monitoring Program, and environmentally assisted fatigue analyses. By letter dated November 23, 2010 (ADAMS Accession No. ML103430256), four new commitments for license renewal were made by the licensee in response to the request for additional information (RAI). The NRC issued the renewed operating license for DAEC on December 16, 2010 (ADAMS Accession No. ML053050309). As required by the renewed license, there are certain activities which the licensee is required to meet before the start of the PEO.

By letter dated May 28, 2013 (ADAMS Accession No. ML13148A282), the licensee proposed to clarify that the UFSAR supplement had been supplemented by Appendix A of NUREG-1955, "Safety Evaluation Report Related to the License Renewal of Duane Arnold Energy Center," dated November 2010, as supplemented by letter from the licensee to the NRC dated November 23, 2010. By letter dated May 31, 2011 (ADAMS Accession No. ML11158A048), the licensee submitted Revision 21 of the UFSAR which included the list of commitments from Appendix A of NUREG-1955 in the UFSAR supplement.

The requested license amendment more-precisely states which activities in the UFSAR must be done, when they must be done, and what sort of notification to the NRC must be provided. Specifically, in DAEC's license amendment request dated November 13, 2012, the licensee proposed that LC C.12 be limited to the period prior to extended operation (by removal of the phrase "and/or during"). The licensee also proposed to remove the phrase "in accordance with Appendix A of NUREG-1955, "Safety Evaluation Report Related to the License Renewal of Duane Arnold Energy Center," dated November 2010, as supplemented by letter from the licensee to the NRC dated November 23, 2010" to be replaced with "no later than February 21, 2014."

By letter dated May 28, 2013, the licensee submitted revised language for LC C.12 to supersede its original request. The revised language for LC C.12: clarified that the UFSAR supplement had been supplemented with Appendix A of NUREG-1955, "Safety Evaluation Report Related to the License Renewal of Duane Arnold Energy Center," dated November 2010, as supplemented by letter from the licensee to the NRC dated November 23, 2010." The licensee believed the change was needed to avoid the implication that certain commitments could not be changed without prior NRC approval. The licensee also proposed to replace the

clause "future activities to be completed prior to and/or during" with "programs to be implemented and activities to be completed before." In addition, the licensee proposed to include the requirement to implement new programs and enhancements to existing programs no later than the start of the PEO, February 21, 2014, and to notify the NRC within 30 days of having completed the activities. Last, the licensee withdrew the portion of the request which added statements about making changes to the UFSAR through the use of 10 CFR 50.59.

Thus, the final LC C.12 desired by DAEC states:

The UFSAR supplement, as revised, submitted pursuant to 10 CFR 54.21(d), and as supplemented by Appendix A of NUREG-1955, "Safety Evaluation Report Related to the License Renewal of Duane Arnold Energy Center," dated November 2010; as supplemented by letter from the licensee to the NRC dated November 23, 2010, describes certain programs to be implemented and activities to be completed before the period of extended operation.

- a. NextEra Energy Duane Arnold, LLC shall implement those new programs and enhancements to existing programs no later than February 21, 2014.
- b. NextEra Energy Duane Arnold, LLC shall complete those activities no later than February 21, 2014.

The licensee shall notify the NRC in writing within 30 days after having accomplished item (a) above and include the status of those activities that have been or remain to be completed in item (b) above.

In considering the amendment request, the Staff was guided by the considerations for issuance of the renewed license, and the original form of the LC.

3.0 TECHNICAL EVALUATION

The licensee proposed to replace "describes certain future activities to be completed prior to and/or during the PEO" with "describes programs to be implemented and activities to be completed before the PEO" in the revisions to the LC. The proposed language is more precise, and clarifies that the activities listed in UFSAR supplement involve both the implementation of programs and the completion of inspection and testing activities. Additionally, removal of the phrase "and/or during" from LC C.12 better states when programs must be complete.

The licensee proposed to include the requirement to implement new programs and enhancements to existing programs no later than February 21, 2014, which is the start of PEO, and to notify the NRC within 30 days of having completed the activities. The commitments listed in Appendix A of NUREG-1955 are reviewed by regional inspectors on a sampling basis. This inspection occurs prior to the PEO using inspection procedure (IP) 71003, "Post-Approval Site Inspection for License Renewal" (ADAMS Accession No. ML12258A160). The purpose of this inspection is to verify that aging management programs and activities are adequately implemented and/or completed before the licensee enters the PEO. The inspectors will also review any modifications to such activities as the Appendix A list of commitments that were incorporated in the UFSAR to ensure changes were made in accordance with applicable NRC requirements. Consistent with Revision 2 of the SRP-LR, the intent of LC C.12 was to ensure that: (1) the license renewal programs and activities that were scheduled to be implemented

and/or completed prior to the PEO were implemented and/or completed, (2) the NRC receives notification so NRC staff could verify implementation of activities through inspection, and (3) NRC approval was obtained to change the implementation schedule for commitments that will not be completed prior to the PEO. This intent will be met with the addition of the requirement in LC C.12 to complete certain activities no later than the PEO date.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Iowa State official was notified July 10, 2013, of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATIONS

Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). The amendment changes recordkeeping, reporting, or administrative procedures or requirements and changes the format of the license or otherwise makes editorial, corrective or other minor revisions. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration and there has been no public comment on such finding (78 FR 22571) on April 16, 2013. Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

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) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: H. Jones, NRR/DLR/RSRG

Date of issuance: October 7, 2013

R. Anderson

- 2 -

Please contact Carolyn Faria at (301) 415-4050, if you have any questions.

Sincerely,

/RA/

Karl D. Feintuch, Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-331

Enclosures:

1. Amendment No. 287 to License No. DPR-49
2. Safety Evaluation

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ADAMS Accession No.: ML13192A423

*concurrence via SE dated 06/17/2013

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