

August 25, 2006

Mr. H. B. Barron
Group Vice President,
Nuclear Generation
and Chief Nuclear Officer
Duke Power Company LLC
P.O. Box 1006-EC07H
Charlotte, NC 28201-1006

SUBJECT: CATAWBA NUCLEAR STATION, UNITS 1 AND 2, AND MCGUIRE NUCLEAR STATION, UNITS 1 AND 2, NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY OPERATING LICENSES AND OPPORTUNITY FOR A HEARING FOR REVISION TO THE TECHNICAL SPECIFICATIONS CONCERNING REACTOR COOLANT SYSTEM LEAKAGE DETECTION INSTRUMENTATION (TAC NOS. MC8041, MC8042, MC8043 AND MC8044)

Dear Mr. Barron:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing," related to the application dated July 27, 2005, as supplemented by letter dated May 4, 2006 and August 8, 2006.

The proposed amendments would revise the Catawba Nuclear Station, Units 1 and 2, and the McGuire Nuclear Station, Units 1 and 2, technical specification 3.4.15, "RCS Leakage Detection Instrumentation," and the associated Bases and the Updated Final Safety Analysis Reports.

This Notice has been forwarded to the Office of Federal Register for publication.

Sincerely,

/RA/

John F. 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 and 50-370

Enclosure:
Federal Register Notice

cc w/encl: See next page

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OFFICIAL RECORD COPY

Catawba Nuclear Station
McGuire Nuclear Station

cc: w/encls.

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Catawba Nuclear Station
McGuire Nuclear Station

cc: w/encls.
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Raleigh, NC 27626

County Manager of York County
York County Courthouse
York, SC 29745

Piedmont Municipal Power Agency
121 Village Dr.
Greer, SC 29651

Saluda River Electric
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Laurens, SC 29360

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Division of Waste Management
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NC Electric Membership Corp.
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Huntersville, NC 28078

UNITED STATES NUCLEAR REGULATORY COMMISSION

DUKE POWER COMPANY LLC, ET AL.

DOCKET NOS. 50-413, 50-414, 50-369 AND 50-370

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-35, NPF-52, NPF-9 and NPF-11, issued to Duke Power Company, LLC, et al., for operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina, and McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina. The proposed amendments would revise technical specification (TS) 3.4.15, "RCS [Reactor Coolant System] Leakage Detection Instrumentation". The proposed changes address the incore instrument room sump level instrumentation and containment atmosphere radioactivity monitors and their compliance with Regulatory Guide 1.45.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the CODE OF FEDERAL REGULATIONS (10 CFR), Part 50, Section 50.92, this means that operation of the facility in accordance with the proposed 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. This analysis is from the May 4, 2006, submittal and supercedes the analysis from the licensee's July 27, 2005, submittal:

1. Would implementation of the changes proposed in this LAR involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The changes contained in this LAR (license amendment request) have been evaluated and determined to not increase the probability or consequences of an accident previously evaluated. The proposed changes do not make any hardware changes and do not alter the configuration of any plant structure, system, or component. The proposed LAR: 1) removes the containment atmosphere gaseous radioactivity monitor as an option for meeting the operability requirements of TS 3.4.15 and replaces it with the containment atmosphere particulate radioactivity monitor, 2) clarifies the applicability of the TS to the containment atmosphere particulate radioactivity monitor, 3) adds the incore instrument sump and its level instrumentation to the McGuire and Catawba licensing basis contained in the TS, the Bases, and the Updated Final Safety Analysis Reports, and 4) makes other low risk changes to TS 3.4.15. None of the containment Reactor Coolant System (RCS) leakage detection instrumentation systems are initiators of any accident; therefore, the probability of occurrence of an accident is not increased. The McGuire and Catawba licensing bases will continue to require diverse means of detecting reactor coolant system (RCS) leakage, thus ensuring that leakage due to cracks would continue to be identified prior to breakage and the plant would be shutdown accordingly. Therefore the consequences of an accident are not increased.

2. Would implementation of the changes proposed in this LAR create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The changes proposed in this LAR do not involve the use or installation of any equipment that is less conservative than that already installed and in use. No new or different system interactions are created and no new processes are introduced. The proposed changes will not introduce any new failure mechanisms, malfunctions, or accident initiators not already considered in the design and licensing basis. The proposed changes do not affect any structure, system, or component associated with an accident initiator. Based on these considerations, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Would implementation of the changes proposed in this LAR involve a significant reduction in a margin of safety?

No. The changes proposed in this LAR do not make any alteration to any RCS leakage detection components. The proposed changes only remove the containment atmosphere gaseous radioactivity monitors as an option for meeting the operability requirements for TS 3.4.15 and replace it with the more responsive containment atmosphere particulate radioactivity monitor. Since the level of radioactivity in the McGuire and Catawba reactor coolant has become much lower than what was assumed in the original licensing bases, the gaseous channel can no longer detect a small RCS leak consistent with the plants' leak-before-break (LBB) analyses. A conservative addition is being made to TS 3.4.15 in order to include controls for the incore instrument sump level instrumentation. The changes contained in the LAR are not risk significant since the RCS leakage detection instrumentation is not credited in the McGuire and Catawba probabilistic risk assessments. The proposed amendment continues to require diverse means of leakage detection equipment with the capability to promptly detect RCS leakage well within the margin of the LBB analyses. Based on this evaluation, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take

action prior to the expiration of either the comment period or the notice period, it will publish in the *Federal Register* a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this *Federal Register* notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for

leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: 1) the name, address and telephone number of the requestor or petitioner; 2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; 3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and 4) the possible effect of any decision or order which may be entered in the proceeding on the requestors/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to

relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

A request for a hearing or a petition for leave to intervene must be filed by: 1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; 2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; 3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, HEARINGDOCKET@NRC.GOV; or 4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington,

DC, Attention: Rulemakings and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by email to OGCMailCenter@nrc.gov. A copy of the request for hearing and petition for leave to intervene should also be sent to the , attorney for the licensee, Ms. Lisa F. Vaughn, Legal Department, Duke Power Company LLC, 526 South Church St., P. O. Box 1006, Mail Code EC07H, Charlotte, NC 28201-1006.

For further details with respect to this action, see the application for amendment dated July 27, 2005, as supplemented by letters dated May 4, 2006, and August 8, 2006, which are available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 25th day of August 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

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