

July 8, 1996

Mr. William R. McCollum
Site Vice President
Catawba Nuclear Station
Duke Power Company
4800 Concord Road
York, South Carolina 29745-9635

SUBJECT: ISSUANCE OF AMENDMENTS - ELIMINATION OF THE ENVIRONMENTAL PROTECTION PLAN FROM THE OPERATING LICENSES OF CATAWBA NUCLEAR STATION, UNITS 1 AND 2 (TAC NOS. M90838 AND M90839)

Dear Mr. McCollum:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 149 to Facility Operating License NPF-35 and Amendment No. 143 to Facility Operating License NPF-52 for the Catawba Nuclear Station, Units 1 and 2. The amendments eliminate the Environmental Protection Plans (EPP) from both operating licenses in response to your application dated November 2, 1994.

The amendments also modify License Condition 2.C.(2) to delete that portion which refers to the EPP.

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,

Original signed by

Peter S. Tam, Senior Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-413 and 50-414

Enclosures:

1. Amendment No. 149 to NPF-35
2. Amendment No. 143 to NPF-52
3. Safety Evaluation

cc w/encl: See next page

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*See previous concurrence

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 8, 1996

Mr. William R. McCollum
Site Vice President
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Duke Power Company
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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,

A handwritten signature in black ink that reads "Peter S. Tam".

Peter S. Tam, Senior Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-413 and 50-414

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1. Amendment No. 149 to NPF-35
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3. Safety Evaluation

cc w/encl: See next page

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cc:

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

DUKE POWER COMPANY

NORTH CAROLINA ELECTRIC MEMBERSHIP CORPORATION

SALUDA RIVER ELECTRIC COOPERATIVE, INC.

DOCKET NO. 50-413

CATAWBA NUCLEAR STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 149
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) Facility Operating License No. NPF-35 filed by the Duke Power Company, acting for itself, North Carolina Electric Membership Corporation and Saluda River Electric Cooperative, Inc. (licensees), dated November 2, 1994, 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.

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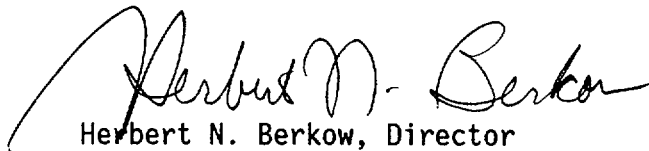
2. Accordingly, the license is hereby amended by deleting Appendix B, Environmental Protection Plan, and revising Paragraph 2.C.(2) of Facility Operating License No. NPF-35 to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 149, which are attached hereto, are hereby incorporated into this license. Duke Power Company 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 from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Herbert N. Berkow, Director
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachment:
Revised License Condition 2.C.(2)

Date of Issuance: July 8, 1996

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. , which are attached hereto, are hereby incorporated into this license. Duke Power Company shall operate the facility in accordance with the Technical Specifications.

(3) Initial Startup Test Program (Section 14, SER, SSER #3)*

Duke Power Company shall conduct those aspects of the post-fuel-loading initial test program described in Chapter 14 of the FSAR, as amended, which are consistent with the limits of this license without making any major modifications unless such modifications have prior NRC approval. Major modifications are defined as:

- (a) elimination of any safety-related test**;
- (b) modification of objectives, test method, or acceptance criteria for any safety-related test;
- (c) performance of any safety-related test at a power level different from that stated in the FSAR by more than 5 percent of rated power;
- (d) failure to satisfactorily complete the entire initial startup test program by the time core burnup equals 120 effective full power days;
- (e) deviation from initial test program administrative procedures or quality assurance controls described in the FSAR; and
- (f) delays in test program in excess of 30 days (14 days if power level exceeds 50 percent), concurrent with power operation. If continued power operation is desired during a delay, Duke Power Company shall provide justification that adequate testing has been performed and evaluated to demonstrate that the facility can be operated at the planned power level with reasonable assurance that the health and safety of the public will not be endangered.

*The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report and/or its supplement; wherein the license condition is discussed.

**Safety-related tests are those tests which verify the design, construction and operation of safety-related systems, structures, and equipment.



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

DUKE POWER COMPANY

NORTH CAROLINA MUNICIPAL POWER AGENCY NO. 1

PIEDMONT MUNICIPAL POWER AGENCY

DOCKET NO. 50-414

CATAWBA NUCLEAR STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 143
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) Facility Operating License No. NPF-52 filed by the Duke Power Company, acting for itself, North Carolina Municipal Power Agency No. 1 and Piedmont Municipal Power Agency (licensees), dated November 2, 1994, 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.

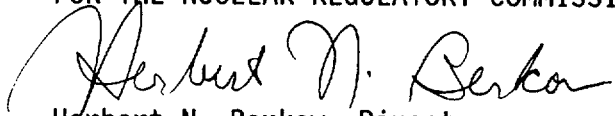
2. Accordingly, the license is hereby amended by deleting Appendix B, Environmental Protection Plan, and revising Paragraph 2.C.(2) of Facility Operating License No. NPF-52 to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 143, which are attached hereto, are hereby incorporated into this license. Duke Power Company 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 from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Herbert N. Berkow, Director
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachment:
Revised License Condition 2.C.(2)

Date of Issuance: July 8, 1996

reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended;

- (4) Duke Power Company, pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (5) Duke Power Company, 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;
- (6) Duke Power Company, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility authorized herein; and
- (7) Duke Power Company, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of McGuire Nuclear Station, Units 1 and 2, and Oconee Nuclear Station, Units 1, 2, and 3.

C. This 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

Duke Power Company is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal (100 percent power) in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. _____, which are attached hereto, are hereby incorporated into this license. Duke Power Company shall operate the facility in accordance with the Technical Specifications.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 149 TO FACILITY OPERATING LICENSE NPF-35
AND AMENDMENT NO. 143 TO FACILITY OPERATING LICENSE NPF-52

DUKE POWER COMPANY, ET AL.

CATAWBA NUCLEAR STATION, UNITS 1 AND 2

DOCKET NOS. 50-413 AND 50-414

1.0 INTRODUCTION

By letter dated November 2, 1994, Duke Power Company (the licensee) requested amendments to the operating licenses for Catawba Nuclear Station, Units 1 and 2. The proposed amendments would delete the content of Appendix B, "Environmental Protection Plan (Nonradiological)," (EPP) Technical Specifications and modify License Condition 2.C.(2) so as to delete that portion which refers to the EPP. Radiological environmental monitoring, which is not affected by the proposed amendments, will continue to be required as specified in Section 6.8.4.g of Appendix A, "Technical Specifications," of the operating licenses.

2.0 EVALUATION

The EPP was originally issued with the Catawba Nuclear Station Operating License Nos. NPF-35 and NPF-52, and contains, among other items, requirements to conduct for a limited time period certain aquatic and terrestrial environmental monitoring studies. These studies have now been completed. Other requirements currently contained in the EPP also exist in other documents. The following discussion delineates the basis for eliminating each section of the EPP:

Section 1.0, "Objectives of the Environmental Protection Plan," conveys no requirement. Deletion of this section has no impact on plant operation or environmental monitoring, and is therefore acceptable.

Section 2.0, "Environmental Protection Issues," is descriptive in nature and conveys no requirement. Deletion of this section has no impact on plant operation or environmental monitoring, and is therefore acceptable.

Section 2.1, "Aquatic Issues," only refers to the National Pollution Discharge Elimination System (NPDES) permit issued by the South Carolina Department of Health and Environmental Control. The section states that "the NRC will rely on this agency for regulation of matters involving water quality and aquatic biota." The deletion of this section does not have any impact on plant safety or environmental concern, and is

therefore acceptable.

Section 2.2, "Terrestrial Issues" and Section 2.3, "Atmospheric Issues," convey no requirements but references Section 4.2 of the EPP. Deletion of these sections has no impact on plant safety or environmental concern, and is therefore acceptable.

Section 3.1, "Plant Design and Operation," provides general guidelines to the licensee to maintain records of changes in the plant design or operation and of tests and experiments carried out at Catawba Nuclear Station which might affect the environment. The licensee proposes to delete this section since this requirement is duplicated in the NPDES permit as well as in licensee's Nuclear Station Modification Manual and in Nuclear System Directive 301. The staff concurs with the licensee's proposal and finds deletion of this section acceptable.

Section 3.2, "Reporting Related to the NPDES Permit and State Certification," requires the licensee to report to the NRC and the permitting agency any violations of the NPDES permit or the State certification of the results of the special studies conducted in accordance with the Clean Water Act, and any proposed changes to the effective NPDES permit. The licensee proposes to submit the copies of the application for renewal of the NPDES permit to the NRC within 30 days of submission to the permitting agency as opposed to the same time of submission to the permitting agency. In addition, the licensee also requests deletion of water quality limits and monitoring programs from the EPP as these aquatic requirements are now under the jurisdiction of the Environmental Protection Agency (EPA) as established by the Federal Water Pollution Control Act Amendments of 1972. The staff concurs in the deletion of the aquatic requirements and will rely on the NPDES permit system which is administered by the EPA for regulation and protection of the aquatic environment.

Section 3.3, "Changes Required for Compliance With Other Environmental Regulations" is descriptive in nature and conveys no requirement. Deletion of this section has no impact on plant safety or environmental concern, and is therefore acceptable.

Section 4.1, "Unusual or Important Environmental Events," requires that "any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Section 5.4.2." The licensee states that this requirement is duplicated in the licensee's Nuclear System Directive 202, "10 CFR 50.72 Reports," and the licensee's Catawba Nuclear Station Procedure RP/O/B/5000/13 (NRC notification requirements). The written report requirement is not duplicated in the aforementioned procedures but the licensee committed to incorporate it in the Corporate Environmental Manual. The deletion of Section 4.1 is therefore administrative and would result in no change in reporting requirements. The staff finds the proposed change acceptable.

Section 4.2, "Environmental Monitoring," requires environmental monitoring studies. These portions can be summarized as: (1) aerial remote sensing, (2) sound level surveys, and (3) fog monitoring. Item (1) was required to be done three times after Unit 2 had been in operation; all aerial sensing was completed with the final report submitted on April 25, 1994. Item (2) was to "terminate upon completion of the collection of the specified sound level data for each phase and submission of an acceptable final report;" such was done with the final report submitted on April 28, 1989. Item (3) was to be continued until Unit 2 had been operated for one year; such monitoring was completed with the final report submitted on April 29, 1988. The staff agrees that Section 4.2 can be eliminated on the basis of completion of all requirements.

Section 5.1, "Review and Audit," requires the licensee to provide for review and audit of compliance with the EPP. The deletion of the requirements above renders this specification moot. Its deletion is therefore acceptable.

Section 5.2, "Records Retention," requires records and logs relative to the environmental aspects of station operation be made and retained in a manner convenient for review and inspection, and available to the NRC on request. Further, records of modifications to station structures, systems and components determined to potentially affect the continued protection of the environment shall be retained for the life of the station. Such requirements already exist in Section 6.10, "Record Retention" of the Technical Specifications. The deletion of this section does not eliminate record retention requirements, has no impact on plant safety and environmental concerns. This deletion is acceptable.

Section 5.3, "Changes in Environmental Protection Plan," specifies that changes to the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment. The deletion of the requirements above renders this specification moot. Its deletion is therefore acceptable.

Section 5.4.1, "Routine Reports," specifies that an Annual Environmental Operating Report, summarizing analyses and results of the environmental protection activities required by Section 4.2 of the EPP, be submitted. Since all Section 4.2 requirements have been completed as stated above, any future annual report will not contain any new information in that regard. Section 5.4.1 also specifies that the annual report include EPP noncompliances, changes made as specified in Section 3.1 of the EPP, and occurrences already reported as specified in the NPDES permit. The annual report specified by Section 5.4.1 contains no new environmental information not previously submitted by other reports. Therefore, the deletion of Section 5.4.1 does not have an impact on plant safety or environmental concerns, and is acceptable.

Section 5.4.2, "Nonroutine Reports," requires a written report be submitted to the NRC within 30 days of occurrence of a nonroutine event. The discussion in Section 4.1 above states that the licensee committed to include this requirement in the Corporate Environmental Manual. The deletion of Section 5.4.2 is therefore administrative and would result in no change in reporting requirements. The staff finds the proposed change acceptable.

In the preceding, the staff finds the deletion of each section of the EPP acceptable. Therefore, deletion of the EPP in its entirety is acceptable. Similarly, the deletion of the phrases in License Condition 2.C.(2) which refers to the EPP is also acceptable. There is no safety or environmental impact caused by the action of the proposed amendments. The amendments are administrative in nature and are intended to relieve the licensee of the burden of certain environmental reporting requirements as discussed above, though it does not eliminate the requirement for a long-term, terrestrial and aquatic environmental monitoring program.

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the South Carolina State Official was notified of the proposed issuance of the amendment. The State official had no comments.

4.0 ENVIRONMENTAL CONSIDERATION

The amendments change 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.

5.0 CONCLUSION

The staff 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) such activities will be conducted in compliance with the Commission's regulations, and (3) 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: Raj K. Anand
Peter S. Tam

Date: July 8, 1996