November 15, 1995

Mr. M. S. Tuckman
Senior Vice President
Nuclear Generation
Duke Power Company
P. O. Box 1006
Charlotte, North Carolina 28201

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS - CATAWBA NUCLEAR STATION, UNITS 1 AND 2 (TAC NOS. M91357 AND M91358)

Dear Mr. Tuckman:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing." This notice relates to your application dated January 12, 1995, as supplemented by letter dated June 29, 1995, which would revise the Technical Specifications to modify Section 6.0, "Administrative Controls," of the Catawba, McGuire, and Oconee nuclear stations, which have been submitted as a joint application.

Sincerely,

Original signed by:

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

Docket Nos. 50-413
and 50-414

Enclosure: Notice

cc w/encl: See next page

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OFFICE	DRPE/PD22/LA	DRPE/PD22/PM	DRPE/PD22/D
NAME	L.BERRY	R.MARTIN	H.BERKOW
DATE	11/15/95	11/15/95	11/15/95
COPY	YES NO	YES NO	YES NO

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November 15, 1995

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NAME	L.BERRY	R.MARTIN	H.BERKOW	
DATE	11/15/95	11/15/95	11/15/95	
COPY	YES NO	YES NO	YES NO	

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

November 15, 1995

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Senior Vice President
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Duke Power Company
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Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-413
and 50-414

Enclosure: Notice

cc w/encl: See next page

Duke Power Company

Catawba Nuclear Station

cc:
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York, South Carolina 29745

UNITED STATES NUCLEAR REGULATORY COMMISSION

DUKE POWER COMPANY, ET AL.

DOCKET NOS. 50-413 AND 50-414

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

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-35 and NPF-52 issued to Duke Power Company, et al. (the licensee) for operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

The proposed amendments would modify Section 6.0, "Administrative Controls," of the licensee's Catawba, McGuire, and Oconee nuclear stations, which have been submitted as a joint application. A summary description is provided as follows.

The requested amendments remove the specific assignment of responsibilities for the review, distribution, and approval activities contained in the Technical Review and Control Section of each station's Technical Specifications. The proposed specifications state that these activities will be performed by a knowledgeable individual/organization. Approval of the affected documents is to be at the appropriate manager/superintendent level as specified in Duke administrative controls.

The requested amendments move the requirement for the review of proposed changes in the stations' Technical Specifications and Operating Licenses by the Duke Nuclear Safety Review Board (NSRB) to Duke administrative procedures

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(Selected Licensee Commitments documents) and change the wording of the requirements covering NSRB meeting frequency.

The requested amendments add Technical Review and Control Program implementation and Plant Operations Review Committee (PORC) implementation to the list of required procedures and programs for each nuclear station.

The requested amendments change or clarify certain Technical Specification administrative requirements covering technical review and control activities or records retention requirements.

Before issuance of the proposed license amendments, 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 amendments requested involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments 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: (It should be noted that the licensee submitted a combined analysis that covers McGuire, Catawba, and Oconee nuclear stations.)

Standard #1. The proposed amendments will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The provisions of these proposed amendments concern administrative changes in the stations' Technical Specifications involving the Technical Review and Control, Procedures and Programs/Station Operating Procedures, and Records Retention/Station Operating Records portions of the Administrative Controls Section. The requested changes primarily affect review and control activities, but also include other administrative changes affecting the approval of station procedures (Oconee only), records retention, and definition of the term ODCM [offsite dose calculation manual] (McGuire and [Catawba]). The provisions of the proposed amendment[s] primarily involve the relocation of existing Technical Specifications review, distribution, or approval requirements to internal Duke administrative controls. However, implementation of the proposed amendment[s] [do] involve changes to several review/distribution activities. These review/distribution activities are primarily for: 1) Proposed changes to the stations' Technical Specifications, 2) Proposed tests and experiments which affect nuclear safety and are not addressed in the stations' FSAR [Final Safety Analysis Report] or Technical Specifications, 3) Environmental radiological procedures, 4) Reportable events documentation and reports of violations of Technical Specifications, 5) Reports of special reviews and investigations, and 6) Reports of unplanned onsite releases of radiological material to the environs. Planned implementation of the proposed Technical Specifications amendments utilizing Selected Licensee Commitments will result in the above items being reviewed/received by a different organizational unit in the future. The organizational unit is to be either the recently initiated Plant Operations Review Committee (PORC) or the General Manager, Environmental Services. Personnel serving on the PORC, and the General Manager, Environmental Services will be qualified based upon education and experience to review the operational and technical considerations involved with the applicable items listed above. No required reviews are being eliminated by the requested amendments, only the organizational units responsible for performing the reviews will be changed. Future reviews of these items under the auspices of the PORC or the General Manager, Environmental Services will maintain a quality level equivalent to that being currently achieved by Duke's Qualified Reviewer Program, the Station Managers, or the Duke Nuclear Safety Review Board as applicable. Consequently, merely changing the organizational units performing future reviews, or making the additional administrative changes described above, results in no increase in the probability or consequences of an accident previously evaluated because the review function will continue to be conducted in an equivalent manner.

The implementing SLC will also permit proposed amendments to the stations' Technical Specifications and Operating Licenses to be approved for the Station Manager by a designee. However, this individual will occupy a position equivalent to, or higher, in the Duke organization as the Station Manager.

Additionally, the proposed changes do not directly impact the design or operation of any plant systems or components any more so than the review

and approval processes currently being conducted in accordance with existing approved Technical Specifications.

Standard #2. The proposed amendments will not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes are administrative in nature and primarily cover the review, distribution, and/or approval function performed for items identified in existing Technical Specifications. The quality level of the future reviews will not decrease and the ability of Duke to identify the possibility for the occurrence of new or different kinds of accidents prior to implementation will be maintained. Of specific interest in the consideration of Standard #2 is the review of proposed tests and experiments which affect station nuclear safety and are not addressed in the FSAR or Technical Specifications. The Technical Specifications required reviews of these tests and experiments are not being proposed for removal by these requested amendments. Only the organizational unit conducting the review of proposed tests and experiments is being changed by the requested amendments. The PORC, instead of the Station Manager, is being assigned the responsibility for conducting the reviews of proposed tests and experiments in the future. It is believed that the combined expertise of the PORC membership will enhance Duke's ability to identify potential situations which could possibly involve a new, or different, kind of accident.

Standard #3. The proposed amendments will not involve a significant reduction in any margin of safety.

The changes contained in the requested amendments are administrative in nature and do not impact the design capabilities or operation of any plant structures, systems, or components. There will be no reduction in margin of safety as a result of implementing these requested amendments. Impact upon margin of safety is a consideration primarily included in the 10 CFR 50.59 evaluation process conducted for station procedures, procedure changes, and nuclear station modifications. The 10 CFR 50.59 evaluation process is conducted under the auspices of the Duke Qualified Reviewer Program and is not affected by these requested amendments. The impact on margin of safety for future Technical Specifications and Operating License changes will be reviewed by the PORC, but these reviews will be equivalent in quality to the reviews presently conducted by the Qualified Reviewers.

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 amendments requested involve 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 the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance and provide for opportunity for a hearing 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 Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

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

By December 26, 1995 , 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 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, 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 factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition

should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of 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 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. Petitioner must provide 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 who fails to file such a supplement which satisfies 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, including the opportunity to present evidence and cross-examine witnesses.

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.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Herbert N. Berkow: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Albert Carr,

Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated January 12, 1995, as supplemented by letter dated June 29, 1995, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina.

Dated at Rockville, Maryland, this 15th day of November, 1995.

FOR THE NUCLEAR REGULATORY COMMISSION

Robert Martin

Robert E. Martin, Senior Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation