



50-413/414

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

April 23, 1998

Mr. Gary R. Peterson
Site Vice President
Catawba Nuclear Station
Duke Energy Corporation
4800 Concord Road
York, South Carolina 29745-9635

SUBJECT: ISSUANCE OF AMENDMENTS - CATAWBA NUCLEAR STATION, UNITS 1
AND 2 (TAC NOS. MA0359 AND MA0360)

Dear Mr. Peterson:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 164 to Facility Operating License NPF-35 and Amendment No. 156 to Facility Operating License NPF-52 for the Catawba Nuclear Station, Units 1 and 2. The amendments are in response to your application dated December 18, 1997, as supplemented by letter dated January 26, 1998.

The amendments revise the operating license of each unit to (1) delete license conditions that have been fulfilled; (2) delete exemptions that have expired; (3) update information to reflect current plant status and regulatory requirements; and (4) make other corrections and editorial changes.

Your proposed changes that were not accepted by the staff are summarized in the enclosed Notice of Partial Denial of Amendments to Facility Operating Licenses (Enclosure 4), which has been sent to the Office of the Federal Register for publication. Details of the staff's review of both the acceptable changes and denied changes are contained in the associated Safety Evaluation (Enclosure 3).

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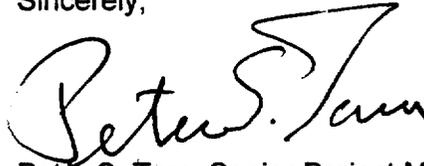
CP1

Gary R. Peterson

- 2 -

A Notice of Issuance of Amendments will be included in the Commission's biweekly Federal Register notice.

Sincerely,

A handwritten signature in black ink that reads "Peter S. Tam". The signature is written in a cursive style with a large, stylized initial "P".

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. 164 to NPF-35
2. Amendment No. 156 to NPF-52
3. Safety Evaluation
4. Notice of Partial Denial

cc w/encls: See next page

A Notice of Issuance of Amendments 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. 164 to NPF-35
- 2. Amendment No. 156 to NPF-52
- 3. Safety Evaluation
- 4. Notice of Partial Denial

cc w/encls: See next page

<u>Distribution</u>	COgle, RII
Docket File	ACRS T-2 E26
PUBLIC	OGC
PDII-2 RF	G.Hill(4)
J. Zwolinski	TLH3 e-mail SE only
L. Plisco, RII	TSB, O-11 F23
W. Beckner	R. Pelton
B. Manili	C. Jamerson

DOCUMENT NAME: G:\CATAWBA\CATA0359.AMD

STET OK 4/6/98

OFFICE	PDII-2/PM	PDII-2/LA	OGC	HHFB/BC	PSGB	PDII-2/D
NAME	P. Tam <i>PT</i>	L. Berry <i>LB</i>	J. Hill <i>JH</i>	R. Eckert <i>RE</i>	B. Manili <i>BM</i>	H. Berkow <i>HB</i>
DATE	3/18/98	2/16/98	3/17/98	3/11/98	3/17/98	4/16/98
COPY	YES NO	YES	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY

A. Chaffee

A Notice of Issuance of Amendments 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. 164 to NPF-35
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3. Safety Evaluation
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STET OK 4/6/98

OFFICE	PDII-2/PM	PDII-2/LA	OGC	HHFB/BC	PSGB	PDII-2/D
NAME	P. Tam <i>PT</i>	L. Berry <i>LB</i>	J. Hill <i>JH</i>	R. Eckert <i>RE</i>	B. Manili <i>BM</i>	H. Berkow <i>HB</i>
DATE	3/18/98	3/18/98	3/20/98	3/19/98	3/19/98	4/16/98
COPY	YES NO	YES	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY

A. Chaffee

Catawba Nuclear Station

cc:

Mr. M. S. Kitlan
Regulatory Compliance Manager
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4800 Concord Road
York, South Carolina 29745

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Legal Department (PB05E)
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Winston and Strawn
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Washington, DC 20005

North Carolina Municipal Power
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Raleigh, North Carolina 27626

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Westinghouse Electric Corporation
Power Systems Field Sales
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Charlotte, North Carolina 28241

County Manager of York County
York County Courthouse
York, South Carolina 29745

Piedmont Municipal Power Agency
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Greer, South Carolina 29651

North Carolina Electric Membership
Corporation
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Raleigh, North Carolina 27611

Senior Resident Inspector
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York, South Carolina 29745

Regional Administrator, Region II
U. S. Nuclear Regulatory Commission
Atlanta Federal Center
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Atlanta, Georgia 30303

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South Carolina Department of
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Columbia, South Carolina 29201

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Manager - Nuclear Regulatory
Licensing
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Charlotte, North Carolina 28242-0001

Saluda River Electric
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Ms. Karen E. Long
Assistant Attorney General
North Carolina Department of Justice
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Raleigh, North Carolina 27602

Elaine Wathen, Lead REP Planner
Division of Emergency Management
116 West Jones Street
Raleigh, North Carolina 27603-1335

Catawba Nuclear Station

cc:

**Mr. T. Richard Puryear
Owners Group (NCEMC)
Duke Energy Corporation
4800 Concord Road
York, South Carolina 29745**

**Richard M. Fry, Director
Division of Radiation Protection
North Carolina Department of
Environment, Health, and
Natural Resources
3825 Barrett Drive
Raleigh, North Carolina 27609-7721**



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

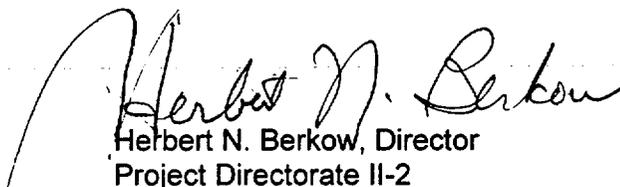
DUKE ENERGY CORPORATION
NORTH CAROLINA ELECTRIC MEMBERSHIP CORPORATION
SALUDA RIVER ELECTRIC COOPERATIVE, INC.
DOCKET NO. 50-413
CATAWBA NUCLEAR STATION, UNIT 1
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 164
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 Energy Corporation, acting for itself, North Carolina Electric Membership Corporation and Saluda River Electric Cooperative, Inc. (licensees), dated December 18, 1997, as supplemented by letter dated January 26, 1998, 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 page changes to the license itself.
3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days 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: Operating License
Changes

Date of Issuance: April 23, 1998

ATTACHMENT TO LICENSE AMENDMENT NO.164

FACILITY OPERATING LICENSE NO. NPF-35

DOCKET NO. 50-413

Replace the following pages of the Operating License with the enclosed pages. The revised pages are identified by Amendment number and contain vertical lines indicating the areas of change.

Remove

1 thru 12

Attachment 1, all pages

Appendix D

Insert

1 thru 7

Attachment 1, one page

Appendix D



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

DUKE ENERGY CORPORATION

NORTH CAROLINA ELECTRIC MEMBERSHIP CORPORATION

SALUDA RIVER ELECTRIC COOPERATIVE, INC.

DOCKET NO. 50-413

CATAWBA NUCLEAR STATION, UNIT 1

FACILITY OPERATING LICENSE

License No. NPF-35

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for license filed by the Duke Energy Corporation acting for itself and North Carolina Electric Membership Corporation and Saluda River Electric Cooperative, Inc. (the licensees) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I; and all required notifications to other agencies or bodies have been duly made;
 - B. Construction of the Catawba Nuclear Station, Unit 1 (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-116 and the application, as amended, the provisions of the Act and the regulations of the Commission;
 - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission (except as exempted from compliance in Section 2.D. below);
 - D. There is reasonable assurance: (i) that the activities authorized by this operating license 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 (except as exempted from compliance in Section 2.D. below);
 - E. Duke Energy Corporation* is technically qualified to engage in the activities authorized by this license in accordance with the Commission's regulations set forth in 10 CFR Chapter 1;

*Duke Energy Corporation is authorized to act as agent for the North Carolina Electric Membership Corporation and the Saluda River Electric Cooperative, Inc., and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

- F. The licensees have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
 - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of this Facility Operating License No. NPF-35 is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied;
 - I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70.
2. Based on the foregoing findings and the Partial Initial Decisions issued by the Atomic Safety and Licensing Boards dated June 22, September 18, and November 27, 1984, regarding this facility and satisfaction of conditions therein imposed, except as hereinafter set forth, and the Commission's vote on January 17, 1985, Facility Operating License No. NPF-31 issued on December 6, 1984, is superseded by Facility Operating License No. NPF-35 hereby issued to the Duke Energy Corporation, the North Carolina Electric Membership Corporation, and the Saluda River Electric Cooperative, Inc., (the licensees) to read as follows:
- A. This license applies to the Catawba Nuclear Station, Unit 1, a pressurized water reactor and associated equipment (the facility) owned by the Duke Energy Corporation, the North Carolina Electric Membership Corporation, and the Saluda River Electric Cooperative, Inc. The facility is located on the licensees' site in York County, South Carolina, on the shore of Lake Wylie approximately 6 miles north of Rock Hill, South Carolina, and is described in Duke Energy Corporation's Final Safety Analysis Report, as supplemented and amended through Revision No. 11, and in its Environmental Report, as supplemented and amended through Revision No. 6;
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:

- (1) Duke Energy Corporation, pursuant to Section 103 of the Act and 10 CFR Part 50, to possess, use, and operate the facility at the designated location in York County, South Carolina, in accordance with the procedures and limitations set forth in the license;
 - (2) North Carolina Electric Membership Corporation and Saluda River Electric Cooperative, Inc., to possess the facility at the designated location in York County, South Carolina, in accordance with the procedures and limitations set forth in this license;
 - (3) Duke Energy Corporation, pursuant to the Act and 10 CFR Part 70 to receive, possess and use at any time special nuclear material as 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 through Revision No. 11;
 - (4) Duke Energy Corporation, 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 Energy Corporation, 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; and
 - (6) Duke Energy Corporation, 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.
 - (7) Duke Energy Corporation, 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 Energy Corporation is authorized to operate the facility at a reactor core full steady state power level of 3411 megawatts thermal (100%) in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 164, which are attached hereto, are hereby incorporated into this license. Duke Energy Corporation shall operate the facility in accordance with the Technical Specifications.

(3) (Deleted)

(4) Antitrust Conditions

Duke Energy Corporation shall comply with the antitrust conditions delineated in Appendix C to this license.

(5) (Deleted)

(6) (Deleted)

(7) (Deleted)

(8) Fire Protection Program (Section 9.5.1, SER, SSER #2, SSER #3, SSER #4, SSER #5)*

Duke Energy Corporation shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report, as amended, for the facility and as approved in the SER through Supplement 5, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

(9) (Deleted)

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

- (10) (Deleted)
- (11) (Deleted)
- (12) (a) (Deleted by Amendment No. 106)
(b) (Deleted)
- (13) (Deleted)
- (14) (Deleted)
- (15) (Deleted)
- (16) (Deleted)
- (17) (Deleted)
- (18) (Deleted)
- (19) (Deleted)
- (20) (Deleted by Amendment No. 119)
- (21) (Deleted)
- (22) (Deleted)
- (23) (Deleted)
- (24) Additional Conditions

The Additional Conditions contained in Appendix D, as revised through Amendment No. 164 , are hereby incorporated into this license. Duke Energy Corporation shall operate the facility in accordance with the Additional Conditions.

- D. The facility requires exemptions from certain requirements of Appendix J to 10 Part CFR 50, as delineated below and pursuant to evaluations contained in the referenced SER and SSERs. These include (a) (Deleted), (b) (Deleted), (c) partial exemption from the requirement of paragraph III.D.2(b)(ii) of Appendix J, the testing of containment airlocks at times when the containment integrity is not required (Section 6.2.6 of the SER, and SSERs 3 and 4), (d) exemption from the requirement of paragraph III.A.(d) of Appendix J, insofar as it requires the venting and draining of lines for type A tests (Section 6.2.6 of SSER 3), and (e) partial exemption from the requirements of paragraph III.B of Appendix J, as it relates to bellows testing (Section 6.2.6 of the SER and SSER 3). These

exemptions are authorized by law, will not present an undue risk to the public health and safety, are consistent with the common defense and security, and certain special circumstances as discussed in the referenced SER and SSERs are present. These exemptions are, therefore, hereby granted pursuant to 10 CFR 50.12. With the granting of these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

- E. Duke Energy Corporation shall fully implement and maintain in effect all provisions of the Commission-approved nuclear security and contingency, and guard training and qualification plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan, which contains safeguards information protected under 10 CFR 73.21, is entitled: "Nuclear Security and Contingency Plan," as revised through April 18, 1996. The plan which does not contain safeguards information is entitled "Nuclear Security Training and Qualification Plan," as revised through April 19, 1996. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

- F. Reporting to the Commission

Except for Item 2.C.(2), Duke Energy Corporation shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within twenty-four (24) hours to the NRC Operations Center via the Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73 (b), (c) and (e).

- G. The licensees shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

- H. This license is effective as of the date of issuance and shall expire at midnight on December 6, 2024.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By:
Edson G. Case /f/

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. (Deleted)
2. Appendix A - Technical Specifications
3. (Deleted)
4. Appendix C - Antitrust Conditions
5. Appendix D - Additional Conditions

Date of Issuance: January 17, 1985

ATTACHMENT 1 TO LICENSE NPF-35

(Deleted)

APPENDIX D

ADDITIONAL CONDITIONS

FACILITY OPERATING LICENSE NO. NPF-35

Duke Energy Corporation shall comply with the following conditions on the schedules noted below:

<u>Amendment Number</u>	<u>Additional Condition</u>	<u>Implementation Date</u>
459	This amendment requires the licensee to incorporate in the Updated Final Safety Analysis Report (UFSAR) certain changes to the description of the facility. Implementation of this amendment is the incorporation of these changes as described in the licensee's application dated March 7, 1997, as supplemented by letters dated April 2, 10, 16, 22, and 28, 1997, and evaluated in the staff's Safety Evaluation dated April 29, 1997. (Deleted)	Next update of the UFSAR
159	This amendment requires the licensee to use administrative controls, as described in the licensee's letter of March 7, 1997, and evaluated in the staff's safety evaluation dated April 29, 1997, to restrict the dose-equivalent iodine levels to 0.46 microCurie per gram (in lieu of the limit in TS Section 3.4.8.a), and to 26 microCurie per gram (in lieu of the limit of TS Figure 3.4-1), until this license condition is removed by a future amendment.	Immediately upon issuance of the amendment



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

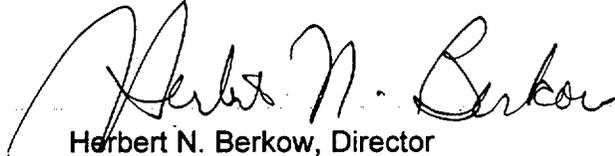
DUKE ENERGY CORPORATION
NORTH CAROLINA MUNICIPAL POWER AGENCY NO. 1
PIEDMONT MUNICIPAL POWER AGENCY
DOCKET NO. 50-414
CATAWBA NUCLEAR STATION, UNIT 2
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 156
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 Energy Corporation, acting for itself, North Carolina Municipal Power Agency No. 1 and Piedmont Municipal Power Agency (licensees), dated December 18, 1997, as supplemented by letter dated January 26, 1998, 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 page changes to the license itself.
3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days 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: Operating License
Changes

Date of Issuance: April 23, 1998

ATTACHMENT TO LICENSE AMENDMENT NO. 156

FACILITY OPERATING LICENSE NO. NPF-52

DOCKET NO. 50-414

Replace the following pages of the Operating License with the enclosed pages. The revised pages are identified by Amendment number and contain vertical lines indicating the areas of change.

Remove

1 thru 7

Attachment 1, all pages

Appendix D

Insert

1 thru 6

Attachment 1, one page

Appendix D



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

DUKE ENERGY CORPORATION

NORTH CAROLINA MUNICIPAL POWER AGENCY NO. 1

PIEDMONT MUNICIPAL POWER AGENCY

DOCKET NO. 50-414

CATAWBA NUCLEAR STATION, UNIT 2

FACILITY OPERATING LICENSE

License No. NPF-52

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for license filed by the Duke Energy Corporation acting for itself, North Carolina Municipal Power Agency No. 1 and Piedmont Municipal Power Agency (the licensees) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I; and all required notifications to other agencies or bodies have been duly made;
 - B. Construction of the Catawba Nuclear Station, Unit 2 (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-117 and the application, as amended, the provisions of the Act and the regulations of the Commission;
 - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission (except as exempted from compliance in Section 2.D. below);
 - D. There is reasonable assurance: (i) that the activities authorized by this operating license 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 (except as exempted from compliance in Section 2.D. below);
 - E. Duke Energy Corporation* is technically qualified to engage in the activities authorized by this license in accordance with the Commission's regulations set forth in 10 CFR Chapter I;

*Duke Energy Corporation is authorized to act as agent for the North Carolina Municipal Power Agency No. 1 and Piedmont Municipal Power Agency, and has exclusive responsibility and control over the physical construction, operation, and maintenance of the facility.

- F. The licensees have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
 - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of this Facility Operating License No. NPF-52 is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied;
 - I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70.
2. Based on the foregoing findings and the July 26, 1985, and the November 21, 1985, affirmations by the Atomic Safety and Licensing Appeal Board of the Partial Initial Decisions issued by the Atomic Safety and Licensing Boards dated June 22, September 18, and November 27, 1984, regarding this facility and satisfaction of conditions therein imposed, and pursuant to approval by the Nuclear Regulatory Commission at a meeting held on May 14, 1986, Facility Operating License No. NPF-48, issued on February 24, 1986, is superseded by Facility Operating License No. NPF-52, hereby issued to the Duke Energy Corporation, the North Carolina Municipal Power Agency No. 1 and Piedmont Municipal Power Agency (the licensees) to read as follows:
- A. This license applies to the Catawba Nuclear Station, Unit 2, a pressurized water reactor and associated equipment (the facility) owned by the North Carolina Municipal Power Agency No. 1 and Piedmont Municipal Power Agency and operated by Duke Energy Corporation. The facility is located on the licensees' site in York County, South Carolina, on the shore of Lake Wylie approximately 6 miles north of Rock Hill, South Carolina, and is described in Duke Energy Corporation's Final Safety Analysis Report, as supplemented and amended, and in its Environmental Report, as supplemented and amended;
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:

- (1) Duke Energy Corporation, pursuant to Section 103 of the Act and 10 CFR Part 50, to possess, use, and operate the facility at the designated location in York County, South Carolina, in accordance with the procedures and limitations set forth in this license;
- (2) North Carolina Municipal Power Agency No. 1 and Piedmont Municipal Power Agency, pursuant to the Act and 10 CFR Part 50, to possess the facility at the designated location in York County, South Carolina, in accordance with the procedures and limitations set forth in this license;
- (3) Duke Energy Corporation, pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time special nuclear material as 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 Energy Corporation, 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 Energy Corporation, 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 Energy Corporation, 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 Energy Corporation, 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 Energy Corporation is authorized to operate the facility at a reactor core full steady state power level of 3411 megawatts thermal (100%) in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 156, which are attached hereto, are hereby incorporated into this license. Duke Energy Corporation shall operate the facility in accordance with the Technical Specifications.

(3) (Deleted)

(4) Antitrust Conditions

Duke Energy Corporation shall comply with the antitrust conditions delineated in Appendix C to this license.

(5) (Deleted)

(6) Fire Protection Program (Section 9.5.1, SER, SSER #2, SSER #3, SSER #4, SSER #5)*

Duke Energy Corporation shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report, as amended, for the facility and as approved in the SER through Supplement 5, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

(7) (Deleted)

(8) (a) (Deleted by Amendment No. 100)
(b) (Deleted)

(9) (Deleted)

*The parenthetical notation following the title of this license condition denotes the section of the Safety Evaluation Report and/or its supplements wherein this license condition is discussed.

- (10) (Deleted)
- (11) (Deleted by Amendment No. 113)
- (12) (Deleted)
- (13) Additional Conditions

The Additional Conditions contained in Appendix D, as revised through Amendment No. 156, are hereby incorporated into this license. Duke Energy Corporation shall operate the facility in accordance with the Additional Conditions.

- D. The facility requires exemptions from certain requirements of Appendix J to 10 CFR Part 50, as delineated below, and pursuant to evaluations contained in the referenced SER and SSER. These include: (a) partial exemption from the requirement of paragraph III.D.2(b)(ii) of Appendix J, the testing of containment airlocks at times when the containment integrity is not required (Section 6.2.6 of SSER #5), (b) exemption from the requirement of paragraph III.A.1(d) of Appendix J, insofar as it requires the venting and draining of lines for type A tests (Section 6.2.6 of SSER #5), and (c) partial exemption from the requirements of paragraph III.B of Appendix J, as it relates to bellows testing (Section 6.2.6 of the SER and SSER #5). These exemptions are authorized by law, will not present an undue risk to the public health and safety and are consistent with the common defense and security; and certain special circumstances, as discussed in the referenced SER and SSER, are present. These exemptions are, therefore, hereby granted pursuant to 10 CFR 50.12. With the granting of these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.
- E. Duke Energy Corporation shall fully implement and maintain in effect all provisions of the Commission-approved nuclear security and contingency, and guard training and qualification plans, including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan, which contains safeguards information protected under 10 CFR 73.21 is entitled: "Nuclear Security and Contingency Plan," with revisions submitted through April 18, 1996. The plan which does not contain safeguards information is entitled "Nuclear Security Training and Qualification Plan," with revisions submitted through April 19, 1996. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.
- F. Reporting to the Commission

Except for Item 2.C.(2), Duke Energy Corporation shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within twenty-four (24) hours to the NRC Operations Center

via the Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73 (b), (c), and (e).

- G. The licensees shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- H. This license is effective as of the date of issuance and shall expire at midnight on February 24, 2026.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By:

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:

- 1. (Deleted)
- 2. Appendix A - Technical Specifications
- 3. (Deleted)
- 4. Appendix C - Antitrust Conditions
- 5. Appendix D - Additional Conditions

Date of Issuance: May 15, 1986

ATTACHMENT 1 TO LICENSE NPF-52

(Deleted)

APPENDIX D

ADDITIONAL CONDITIONS

FACILITY OPERATING LICENSE NO. NPF-52

Duke Energy Corporation shall comply with the following conditions on the schedules noted below:

<u>Amendment Number</u>	<u>Additional Condition</u>	<u>Implementation Date</u>
451	<p>This amendment requires the licensee to incorporate in the Updated Final Safety Analysis Report (UFSAR) certain changes to the description of the facility. Implementation of this amendment is the incorporation of these changes as described in the licensee's application dated March 7, 1997, as supplemented by letters dated April 2, 10, 16, 22, and 28, 1997, and evaluated in the staff's Safety Evaluation dated April 29, 1997. (Deleted)</p>	Next update of the UFSAR
151	<p>This amendment requires the licensee to use administrative controls, as described in the licensee's letter of March 7, 1997, and evaluated in the staff's safety evaluation dated April 29, 1997, to restrict the dose-equivalent iodine levels to 0.46 microCurie per gram (in lieu of the limit in TS Section 3.4.8.a), and to 26 microCurie per gram (in lieu of the limit of TS Figure 3.4-1), until this license condition is removed by a future amendment.</p>	Immediately upon issuance of the amendment



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO.164 TO FACILITY OPERATING LICENSE NPF-35
AND AMENDMENT NO.156 TO FACILITY OPERATING LICENSE NPF-52

DUKE ENERGY CORPORATION, ET AL.

CATAWBA NUCLEAR STATION, UNITS 1 AND 2

DOCKET NOS. 50-413 AND 50-414

1.0 INTRODUCTION

By letter dated December 18, 1997; Duke Energy Corporation, et al. (DPC or the licensee), submitted a request to revise the Facility Operating License of each unit to editorially delete license conditions that have been fulfilled, to update information to reflect current plant status and regulatory requirements, and to make other editorial changes. By letter dated January 26, 1998, the licensee revised its request, withdrawing proposed changes to replace "Final Safety Analysis Report" with "Updated Final Safety Analysis Report" on pages 2, 3, and 4 of the Operating Licenses.

2.0 DISCUSSION AND EVALUATION

2.1 License Conditions

When the Facility Operating Licenses (FOLs) NPF-35 and NPF-52 were issued to the licensee, the NRC staff deemed certain issues essential to safety and/or essential to meeting certain regulatory interests. These issues were imposed as license conditions in the FOLs, with deadlines for their implementation. Since the units were licensed to operate in the 1980s, most of these license conditions have been fulfilled. The licensee's December 18, 1997, submittal and January 26, 1998, supplement are reviewed below; the item numbers before each paragraph denote the paragraph number in the FOLs. Unless otherwise stated, the evaluation below pertains to both Units 1 and 2.

For the license conditions that have been fulfilled, the licensee proposed to have them deleted entirely from the FOLs. The staff, however, believes that indications should be left in the FOLs to provide easy reference to these past license conditions. For those license conditions that the staff agrees have been fulfilled and that their deletion is administrative and acceptable, the staff will preserve the license condition numbers with the word "Deleted" following in parentheses. Hence, the licensee's proposed change is partially denied.

- 1.B. The licensee proposed to modify the statement, which currently reads "Construction of the Catawba Nuclear Station, Unit 1 (the facility) has been substantially completed..." to "Construction of the Catawba Nuclear Station, Unit 1 (the facility) was

completed...." The staff surveyed FOLs granted to other facilities, and found that the expression "has been substantially" is used in each FOL, and its meaning is thus established by such repeated use. The licensee has not provided any reason for the proposed change, other than stating that this is an administrative change to "update the FOL to the current historical status." This proposed change is thus denied.

- 1.H. The licensee proposed to delete the clause "subject to the conditions for protection of the environment set forth in the Environmental Protection Plan attached as Appendix B." The Environmental Protection Plan was deleted from the Unit 1 FOL by Amendment No. 149, and from the Unit 2 FOL by Amendment No. 143, both dated July 8, 1996 (filed under TACs M90838 and M90839). Thus, deletion of the cited clause has no impact on the FOLs, is administrative, and is acceptable.
- 2.A. The licensee proposed to delete the words "and in its Environmental Report, as supplemented and amended through Revision No. 6" from the Unit 1 FOL, and the words "and in its Environmental Report, as supplemented and amended" from the Unit 2 FOL. In the justification for this deletion, the licensee stated that the Environmental Protection Plan has been deleted, which is correct as stated above in 1.H. However, the licensee gave no justification for deleting the reference to the Environmental Report, which has been required by the National Environmental Policy Act and 10 CFR Part 51, and was a significant part of the basis for granting the FOLs. This proposed change is denied.
- 2.C.(1) The licensee proposed to modify the statement on maximum power level from "reactor core power levels not in excess of 3411 megawatts thermal" to "a reactor core full steady state power level of 3411 megawatts thermal." The staff surveyed a number of FOLs (Table 1 attached) and found that they fall into two categories: those with "steady-state" and those without. Observation of Table 1 shows that (1) in general, older FOLs tend to have "steady state;" (2) since 1980, FOLs tend to have no "steady state;" (3) when older FOLs were reissued as full-term FOLs, "steady state" is retained; and (4) no uniformity in "steady state" in the split between units at Beaver Valley, St. Lucie, and Turkey Point. Thus, it appears that while there may be a pattern over time with the use of this term, there does not appear to be any clearly defined intent.

Since the licensee had analyzed, and the staff had evaluated, the units at power levels up to 5 percent higher than the maximum (reference various sections of the Catawba Final Safety Analysis Report and Safety Evaluation Report, NUREG-0954) authorized in the FOLs, the issue here is not one of safety. In a publicly available internal memorandum, E. L. Jordan to E. J. Brunner, et al. (Regional offices), dated August 22, 1980, the following guidance was stated:

The average power level over any eight hour shift should not exceed the "full steady-state licensed power level" (and similarly worded terms). The exact eight hour periods defined as "shifts" are up to the plant, but should not be varied from day to day (the easiest definition is a normal shift manned by a particular "crew").

The staff's Inspection Procedure 61706, "Core Thermal Power Evaluation," consistently associates maximum thermal power with 'steady-state'. It makes no distinction between plants whose FOLs have 'steady-state,' and those whose FOLs have not.

It would appear that there is no difference between FOLs which have 'steady-state' and those which have not. Otherwise, the staff's guidance documents cited above would not be applicable to some plants. On the basis of the above discussion, the staff agrees that the licensee's proposed wording is acceptable. This change would bring Catawba's FOLs in line with the wording used in most FOLs (Table 1), and would permit the licensee to use the staff's guidance cited above.

- 2.C.(1) (Unit 1) The licensee proposed to delete the reference to Attachment 1 regarding preoperational tests, startup tests, and other items. Note that Attachment 1, last revised by Amendment No. 16 (October 21, 1986), contains only requirements on TDI diesel engines; there are no "preoperational tests, startup tests" requirements currently in Attachment 1. As stated in Section 2.3 of this evaluation, all requirements currently imposed by Attachment 1 have been fulfilled. Thus, the deletion of the reference to Attachment 1 is administrative and is acceptable.
- 2.C.(2) The licensee did not request any change on this condition, which endorses the Technical Specifications. Due to recently issued amendments, the highest Amendment numbers for Unit 1 and Unit 2 should be No. 163 and No. 155, respectively. The staff will issue the revised FOLs with these correct numbers.
- 2.C.(3) The licensee proposed to delete the license condition pertaining to the Initial Startup Test Program. This license condition was fulfilled, as documented in the Startup Report dated September 27, 1985 (for Unit 1), and November 17, 1986 (for Unit 2). The deletion of this license condition and its associated footnote (for the Unit 1 FOL, marked with two asterisks) is purely administrative and is acceptable.
- The footnote (marked with one asterisk) pertains to license condition 2.C.(3) and others in the FOL. Since all other license conditions covered by this footnote are deleted (see evaluations below), except license condition 2.C.(8) for Unit 1 and 2.C.(6) for Unit 2, the subject footnote is reworded editorially to reflect such. This change is acceptable.
- 2.C.(4) The licensee proposed to renumber this license condition, pertaining to antitrust conditions, to 2.C.(3) due to deletion of 2.C.(3) discussed above. However, as stated in the second paragraph of this section, all license condition numbers will be preserved. Hence, the licensee's proposed change is denied.
- 2.C.(5) (Unit 1) The licensee proposed to delete this license condition pertaining to inservice testing of pumps and valves. This license condition granted temporary reliefs in response to the licensee's requests. The reliefs were later granted by the staff (letter, B. J. Youngblood to H. R. Tucker, dated January 8, 1987), thus obviating the need for

the temporary reliefs. Also, the applicable time frame (first 10 years of unit operation) for the reliefs has expired. Thus, the license condition is no longer needed; its deletion is administrative and acceptable.

2.C.(6) (Unit 1) The licensee proposed to delete this license condition and footnote pertaining to the inservice inspection program, requiring submittal of material by January 8, 1985. The material was submitted by the licensee, and approved by the staff (letter, D. B. Matthews to H. B. Tucker, dated November 3, 1989). Also, the applicable time frame (first 10 years of unit operation) for the inservice inspection program has expired. Thus, the license condition is no longer needed; its deletion is administrative, and acceptable.

2.C.(5) (Unit 2) The licensee proposed to delete this license condition pertaining to the inservice inspection program, requiring submittal of material by January 8, 1985. The material was submitted by the licensee and approved by the staff (letter, D. B. Matthews to H. B. Tucker, dated November 3, 1989). Also, the applicable time frame (first 10 years of unit operation) for the inservice inspection program has expired. Thus, the license condition is no longer needed; its deletion is administrative, and acceptable.

2.C.(7) (Unit 1) The licensee proposed to delete this license condition pertaining to environmental equipment qualification. The licensee listed documents docketed with the NRC regarding compliance with the subject regulation, 10 CFR 50.49. The staff's evaluation of the licensee's compliance was published in the Catawba Safety Evaluation Report (NUREG-0954) and supplements, and Inspection Reports such as 50-413, 414/86-26, 88-07, 89-20, etc. The licensee has thus fulfilled this license condition. Its deletion is administrative and acceptable.

2.C.(8) (Unit 1) The licensee proposed to renumber this to be license condition 2.C(4) due to deletion of previous license conditions. However, as stated in the second paragraph of this section, all license condition numbers will be preserved. Hence the licensee's proposed change is denied.

The licensee also proposed to correct the reference of "SER [Safety Evaluation Report, NUREG-0954] through Supplement 6" to "SER through Supplement 5." The staff consulted the referenced documents and confirmed that Supplement 6 contains no evaluation on fire protection; the last evaluation on fire protection was set forth in Supplement 5. The proposed change corrects a typographical error and is acceptable.

2.C.(6) (Unit 2) The licensee proposed to renumber this to be license condition 2.C.(4) due to deletion of previous license conditions. However, as stated in the second paragraph of this section, all license condition numbers will be preserved. Hence, the licensee's proposed change is denied.

The licensee also proposed to correct a typographical error to the reference of "SER through Supplement 6." See evaluation for 2.C.(8) for Unit 1.

- 2.C.(9) (Unit 1) The licensee proposed to delete this license condition pertaining to protection from turbine missiles. The licensee fulfilled this requirement by a submittal, H. B. Tucker to H. R. Denton, dated April 24, 1986. The staff approved the licensee's submittal by letter, K. N. Jabbour to H. B. Tucker, dated June 2, 1987. Thus, the deletion of this license condition is administrative and is acceptable.
- 2.C.(10) (Unit 1) The licensee proposed to delete this license condition, which imposed requirements on operating staffing and experience. The requirements for shift staffing and personnel qualification are set forth by Technical Specifications Table 6.2-1, Minimum Shift Crew Composition; Section 6.2.2, Unit Staff; Section 6.2.4, Shift Manager; and Section 6.3, Unit Staff Qualifications. (Note that the term "advisor" in this license condition has been replaced by the position Shift Manager, whose functions include those of a Shift Technical Advisor.) On the basis that appropriate requirements that already exist in the Technical Specifications, the staff agrees that license condition 2.C.(10) is no longer needed and its deletion is acceptable.
- 2.C.(11) (Unit 1) The licensee proposed to delete this license condition concerning detailed control room design review; specifically, correct all human engineering deficiencies according to the schedule contained in the licensee's letter of February 20, 1984. In a letter, H. B. Tucker to T. E. Murley, dated April 18, 1989, the licensee advised the staff that the activities related to this license condition have been completed. Thus, the requirements imposed by this license condition have been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(7) (Unit 2) Same discussion as 2.C.(11) above for Unit 1.
- 2.C.(12) (Unit 1) Part (a) of this license condition has been previously deleted by Amendment. No. 106 on March 23, 1993. To distinguish the previous deletion from those addressed by this safety evaluation, the staff will add the designation "by Amendment No. 106" after the word "Deleted." Part (b) requires that the Safety Parameter Display System (SPDS) be operational before April 1, 1985. By letter, H. B. Tucker to H. R. Denton, dated March 15, 1985, the licensee advised the staff that the SPDS has been declared operational. Thus, the requirement imposed by Part (b) of this license condition has been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(8) (Unit 2) Part (a) of this license condition has been previously deleted by Amendment. No. 100 on March 23, 1993. To distinguish the previous deletion from those addressed by this safety evaluation, the staff will add the designation "by Amendment No. 100" after the word "Deleted." Part (b) requires that the SPDS be operational before December 8, 1989, with four modifications. By letter, H. B. Tucker to NRC, dated February 18, 1988, the licensee advised the staff that the modifications will be implemented. By letter, S. A. Varga to H. B. Tucker, dated May 13, 1988, the

staff informed the licensee that its proposed modifications were acceptable for resolution of the outstanding SPDS issues. Thus, the requirements imposed by Part (b) of this license condition have been fulfilled; its deletion is administrative and is acceptable.

- 2.C.(13) (Unit 1) This license condition requires the licensee, before reaching 70 percent power (during startup), to perform turbine trip tests to verify that power-operated relief valves (PORVs) will not be challenged when the anticipatory trip bypass is in effect. The results of these tests were detailed in the Catawba Unit 1 Startup Report, which stated that the PORVs were not challenged. The Startup Report was submitted to the staff on September 27, 1985. Thus, the requirement imposed by this license condition has been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(9) (Unit 2) This license condition requires the licensee, before reaching 70 percent power (during startup), to perform turbine trip tests to verify that PORVs will not be challenged when the anticipatory trip bypass is in effect. The results of these tests were detailed in the Catawba Unit 2 Startup Report, which stated that the PORVs were not challenged. The Startup Report was submitted to the staff by letter, H. B. Tucker to J. N. Grace, on November 17, 1986. Thus, the requirement imposed by this license condition has been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(14) (Unit 1) The licensee proposed to delete this license condition pertaining to analyses and tests on in-containment hydrogen control measures. This license condition has been fulfilled, as documented in Revision 16 of the licensee's report "An Analysis of Hydrogen Control Measures at McGuire Nuclear Station," submitted to the staff by letter, M. S. Tuckman to NRC, dated August 5, 1993. Revision 16 incorporates the staff's safety evaluation dated May 26, 1993, and closed the hydrogen issue for both McGuire and Catawba Nuclear Stations. Thus, the requirements imposed by this license condition have been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(15) (Unit 1) This license condition requires the licensee, following the first refueling outage, to complete upgrade of the existing subcooling margin monitor and the existing backup display. By letter, H. B. Tucker to H. R. Denton, the licensee advised the staff of the completion status of these upgrades. Thus, the requirements imposed by this license condition have been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(16) (Unit 1) This license condition requires the licensee, before startup from the second refueling outage, to submit an analysis that would demonstrate that the steam generator tube rupture accident presented in the Final Safety Analysis Report is the most severe case with respect to release of fission products and calculated doses. Accordingly, the licensee made a series of submittals starting on December 7, 1987, culminating in the staff's issuance of license Amendment No. 68. Thus, the requirements imposed by this license condition have been fulfilled; its deletion is administrative and is acceptable.

- 2.C.(10) (Unit 2) This license condition requires the licensee, before startup from the first refueling outage, to submit an analysis that would demonstrate that the steam generator tube rupture accident presented in the Final Safety Analysis Report is the most severe case with respect to release of fission products and calculated doses. Accordingly, the licensee made a series of submittals starting on December 7, 1987, culminating in the staff's issuance of license Amendment No. 62. Thus, the requirements imposed by this license condition have been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(17) (Unit 1) This license condition requires the licensee, before startup following the first refueling outage, to submit the results of a completed program of tests and analyses to confirm the validity and accuracy of the models and assumptions employed in the containment response analysis for main steam line break accidents. It also requires that, during the interim period of operation, the licensee to submit bimonthly reports on the progress of the confirmatory research program of tests and analyses regarding containment response for these accidents. By letter, R. E. Martin to M. S. Tuckman, dated June 10, 1991, the staff issued its safety evaluation on the licensee's and Westinghouse's submittals, stating that the specific analyses performed for Catawba were acceptable. Thus, the requirements imposed by this license condition have been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(18) (Unit 1) This license condition requires the licensee, before startup following the first refueling outage, to upgrade the PORVs and steam generator PORVs to safety related. The licensee affirmed its commitment by letter, H. B. Tucker to H. R. Denton, dated March 21, 1985. In its letter of December 18, 1997, the licensee advised that the modifications were completed (site documents NSM 10523 and 10524). Thus, the requirements imposed by this license condition have been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(19) (Unit 1) This license condition requires that a "seismic test will be performed utilizing a generic mounting scheme with a GLASTIC pad and fiberglass bushing for electrical isolation to verify the acceptability of the existing mounting. This test will be completed by July 1985." By letter, H. B. Tucker to H. R. Denton, dated June 24, 1985, the licensee advised the staff that testing associated with this license condition had been completed. Thus, the requirements imposed by this license condition have been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(20) (Unit 1) The licensee did not request any changes to this license condition, which was previously introduced by Amendment No. 16 (October 21, 1986) to address TDI diesel engines, and later deleted by Amendment No. 119, dated June 2, 1994. However, as explained in the second paragraph of this section, the staff is interested in preserving the history of the changes. Hence, the staff will add the phrase "Amendment No. 119" after the word "Deleted."
- 2.C.(11) (Unit 2) The licensee did not request any changes to this license condition, which was previously introduced by Amendment No. 18 (May 26, 1987) to address TDI diesel engines, and later deleted by Amendment No. 113, dated June 2, 1994.

However, as explained in the second paragraph of this section, the staff is interested in preserving the history of the changes. Hence, the staff will add the phrase "Amendment No. 113" after the word "Deleted."

- 2.C.(21) (Unit 1) This license condition requires the licensee to submit responses to and implement the requirements of Generic Letter 83-28 (regarding the Salem anticipated transient without scram event) on a schedule given in the licensee's letters. The licensee accordingly submitted information, which led to a number of NRC issuances approving design and implementation (see the listing of these issuances in the licensee's December 18, 1997, letter). The staff's own Safety Issues Management System (SIMS) database dated December 15, 1997, indicates that all the requirements associated with Generic Letter 83-28 have been implemented by the licensee. Thus, the requirements imposed by this license condition have been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(12) (Unit 2) Identical to evaluation above for Unit 1, 2.C.(21).
- 2.C.(22) (Unit 1) This states that "[i]n the event that the NRC finds that the lack of progress in completion of the procedures in the Federal Emergency Management Agency's [FEMA] final rule, 44 CFR Part 350, is an indication that a major substantive problem exists in achieving or maintaining an adequate state of [emergency] preparedness, the provisions of 10 CFR Section 50.54(s)(2) will apply." In letters dated October 8, 1985 and August 15, 1986, FEMA advised the NRC of the approval of the North and South Carolina emergency response plans. Thus, the requirements imposed by this license condition have been fulfilled by FEMA's approval; its deletion is administrative and is acceptable.
- 2.C.(23) (Unit 1) This license condition requires that the licensee submit for staff review, by June 4, 1985, information regarding emergency preparedness, such as public information, warning signs and decals, early notification, etc. By letters, H. B. Tucker to H. R. Denton, dated March 18 and June 12, 1985, the licensee submitted the required information. By letters, T. M. Novak to H. B. Tucker, dated May 14 and June 3, 1985, the staff issued its approval. Thus, the requirements imposed by this license condition have been fulfilled; its deletion is administrative and is acceptable.
- 2.C.(24) (Unit 1) This license condition refers to Appendix D, which was introduced by Amendment No. 159. Appendix D was last changed by Amendment No. 161. The licensee pointed out that the license condition still refers to Appendix D as "through Amendment No. 159." The licensee's current proposed changes will lead to Amendment No. 164. Accordingly, the staff will correct the Amendment number to 164. This correction is administrative and acceptable.

The licensee proposed to renumber this license condition as 2.C.(5) due to deletion of previous license conditions. However, as stated in the second paragraph of this section, all license condition numbers will be preserved. Hence, the licensee's proposed change is denied.

2.C.(13) (Unit 2) This license condition refers to Appendix D, which was introduced by Amendment No. 151. Appendix D was last changed by Amendment No. 153. The licensee pointed out that the license condition still refers to Appendix D as "through Amendment No. 151." The licensee's current proposed changes will lead to Amendment No. 156. Accordingly, the staff will correct the Amendment number to 156. This correction is administrative and acceptable.

The licensee proposed to renumber this license condition as 2.C.(5) due to deletion of previous license conditions. However, as stated in the second paragraph of this section, all license condition numbers will be preserved. Hence, the licensee's proposed change is denied.

2.E The licensee proposed to revise this license condition in both Unit 1 and Unit 2 FOLs, changing "...Commission-approved physical security, guard training and qualification, and safeguards contingency plans..." to two plans, and revising the titles as the following:

"Nuclear Security and Contingency Plan," — which contains safeguards information and is protected under 10 CFR 73.21. This revision was submitted to the staff by letter dated April 18, 1996, from M. S. Tuckman.

"Nuclear Security Training and Qualification Plan," — which does not contain safeguards information. This revision was submitted to the staff by letter dated April 19, 1996, from M. S. Tuckman.

The licensee also proposed to delete any reference to revision numbers since these security plans are subject to change periodically. However, 10 CFR 50.54(p) has set forth the conditions under which the licensee may make changes without NRC approval, and the conditions under which changes need to be approved via an amendment to the license prior to implementation. The references to revision numbers do not prevent the licensee from making changes allowed by this regulation. Hence, the licensee's proposal to omit revision numbers and dates is denied.

The licensee also proposed an editorial change; to delete an extra "CFR" from both FOLs. This change is acceptable.

2.F (Unit 1) This license condition specifies the method and timing for reporting of violations of Section 2.C of the FOL. Currently, it reads "Duke Energy Corporation shall report any violations of the requirements contained in Section 2, Items C.(1), C.(3) through C.(23) of this license. Initial notification shall be made within twenty-four (24) hours in accordance with the provisions of 10 CFR 50.72 with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73(b), (c) and (e)." The licensee proposed to revise this condition to read "Except for Item 2.C.(2), Duke Energy Corporation shall report any violations of the requirements contained in Section 2.C of this license in the following manner. Initial notification shall be made within twenty-four (24) hours to the NRC Operations Center via the

Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73 (b), (c) and (e)."

(Unit 2) The licensee proposed to delete the reference to the Environmental Protection Plan, which was previously deleted by Amendment No. 143 (see License Condition 1.H. above). This deletion is administrative. The licensee also proposed to replace the reference to the Technical Specifications with Item 2.C.(2), which is the license condition for the Technical Specifications of the FOL. This change is administrative.

For both units, the proposed wording complies with the cited regulations, does not change the substance of the requirements expressed by the original wording, and is in line with recently issued FOLs such as Watts Bar Unit 1. The proposed changes are acceptable.

2.2 Exemptions

The FOLs convey a number of exemptions to certain NRC regulations. Some of these exemptions have expired due to built-in time limits, while others are no longer needed. For these exemptions that are no longer needed, the licensee proposed to have them deleted entirely from the FOLs. The staff, however, believes that indications should be left in the FOLs to provide easy reference to these past exemptions. The staff will preserve the exemption numbers with the word "Deleted" following in parentheses. Hence, the licensee's proposed complete deletion is partially denied.

2.D The licensee proposed to delete from the opening statement references to 10 CFR Part 50, Appendices A and E, leaving only Appendix J in the statement. Since the exemptions to Appendices A and E are to be deleted (see below), there is no more need to mention these appendices. The deletion is administrative and acceptable.

(Unit 1) The licensee proposed to add these additional words to indicate where detailed information may be found regarding these exemptions: "as delineated below and pursuant to evaluations contained in the referenced SER and SSERs." These additional words editorially improve the opening sentence and are acceptable. The Unit 2 sentence already contains these words and therefore needs no such change.

2.D.(a) (Unit 1) This exempted the licensee from General Design Criterion 1 of Appendix A, with respect to the upgrade to safety-related of the pressurizer PORVs and steam generator PORVs until the first refueling outage. As discussed above under License Condition 2.C.(18), the licensee has completed the upgrade. Thus, the exemption is no longer needed; its deletion is administrative and acceptable.

2.D.(b) (Unit 1) This exempted the licensee from the requirements of Appendix E insofar as they require active participation of all Crisis Management Center personnel for emergency preparedness exercises. The licensee stated in its December 18, 1997, letter that this exemption is no longer needed since the Emergency Operations Facility personnel now drill in accordance with 10 CFR Part 50, Appendix E (reference

letter, W. R. McCollum to NRC, dated September 16, 1996, transmitting change 96-3 of the Catawba Emergency Plan). The staff agrees that the exemption is no longer needed based on the licensee's information; its deletion is acceptable.

- 2.D.(c) (Unit 1) The licensee proposed to renumber this exemption as 2.D.(a) due to deletion of previous exemptions. However, as stated in the first paragraph of this section, all exemption numbers will be preserved. Hence, the licensee's proposed change is denied.
- 2.D.(d) (Unit 1) The licensee proposed to renumber this exemption as 2.D.(b) due to deletion of previous exemptions. However, as stated in the first paragraph of this section, all exemption numbers will be preserved. Hence, the licensee's proposed change is denied.
- 2.D.(e) (Unit 1) The licensee proposed to renumber this exemption as 2.D.(c) due to deletion of previous exemptions. However, as stated in the first paragraph of this section, all exemption numbers will be preserved. Hence, the licensee's proposed change is denied.
- 2.D (Unit 1) The licensee proposed to revise the wording of the first sentence of the closing statement, currently cited verbatim from 10 CFR 70.14(a). The exemptions that this statement covers are all granted against 10 CFR Part 50. Hence, the wording from 10 CFR 50.12(a) would be more appropriate. Accordingly, the statement will be changed from:

"These exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest."

to:

"These exemptions are authorized by law, will not present an undue risk to the public health and safety, are consistent with the common defense and security, and are consistent with certain special circumstances, as discussed in the referenced SER and SSERs."

The revised wording conforms with 10 CFR 50.12(a) and the current wording in the Unit 2 FOL, and is acceptable.

- 2.D (Unit 2) The licensee proposed a number of editorial changes involving punctuation marks and revised wording. The staff reviewed each of these proposed changes and found that they editorially improve sentence structure without changing the meaning. Thus, these proposed editorial changes are acceptable.

The licensee proposed to delete the mention of two exemptions. The first exemption was granted separate from the FOL on April 23, 1985, regarding protection of certain structures, systems, and components from the dynamic effects associated with

postulated reactor coolant system pipe breaks (General Design Criterion 4 of Appendix A, 10 CFR Part 50). The FOL also stated that this exemption was no longer required since the subject regulation was revised on May 12, 1986 (3 days before issuance of the FOL), and that the licensee had met the revised rule. Thus, deletion of its mention in the Unit 2 FOL is administrative and acceptable.

The second mention refers to an exemption granted on January 17, 1985, as part of the Unit 1 FOL. See 2.D.(b) for Unit 1 above for its deletion from the Unit 1 FOL. Since the exemption is deleted, the deletion of its mention in the Unit 2 FOL is administrative and acceptable.

2.3 Attachment 1 to Unit 1 FOL

Attachment 1 for the Unit 1 FOL was revised by Amendment No. 16 (October 21, 1986) to solely impose requirements on TDI diesel engines. Attachment 1 for the Unit 2 FOL was revised by Amendment No. 17 (May 26, 1987) to solely impose requirements on TDI diesel engines.

As stated above, the License Conditions 2.C.(20) for Unit 1 and 2.C.(11) for Unit 2, which endorsed Attachment 1, have been deleted by Amendments 119 (Unit 1) and 113 (Unit 2). Attachment 1 was inadvertently not deleted when these amendments were issued. The proposed deletion of Attachment 1 corrects a previous administrative error, and is acceptable.

2.4 Appendix D

See evaluations above for Unit 1 License Condition 2.C.(24) and Unit 2 License Condition 2.C.(13).

Appendix D contains two requirements. The licensee proposed to delete the first requirement, which was introduced by Amendment Nos. 159 (for Unit 1) and 151 (for Unit 2). This "...requires the licensee to incorporate in the Updated Final Safety Analysis Report (UFSAR) certain changes to the description of the facility. Implementation of this amendment is the incorporation of these changes as described in the licensee's application dated March 7, 1997, as supplemented by letters dated April 2, 10, 16, 22, and 28, 1997, and evaluated in the staff's Safety Evaluation dated April 29, 1997." The staff had reviewed the licensee's 1997 update to the UFSAR and, in Section E3.2 of Inspection Report 50-413, 414/97-15, confirmed that the licensee had fulfilled this requirement. Thus, the deletion of this requirement from Appendix D is administrative and is acceptable.

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the South Carolina State official, Mr. Virgil Autrey, was notified of the proposed issuance of the amendments. The State official had no comments.

4.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an Environmental Assessment and Finding of No Significant Impact was published in the Federal Register on April 22, 1998 (63 FR 19963).

Accordingly, based on the Environmental Assessment, the Commission has determined that issuance of this amendment will not have a significant effect on the quality of the human environment.

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.

Attachment: Survey of FOLs for the Term "Steady State" (Table 1)

Principal Contributors: Peter S. Tam
Barry R. Manili
Richard M. Pelton
Carole Jamerson

Date: April 23, 1998

Table 1: Survey of FOLs For The Term 'Steady State'

<u>FOL Issuance Date</u>	<u>Plant</u>	<u>'Steady State'</u>
70/10	Point Beach 1	N
70/09	Robinson 2	Y
71/01	Dresden 3	Y
71/12	Quad Cities 1	N
72/07	Turkey Point 3	Y
72/04	Davis-Besse 1	Y
72/05	Surry 1	Y
72/09	Pilgrim	Y
72/12	Quad Cities 2	N
73/02	Vermont Yankee	N
73/12	Kewaunee	Y
73/04	Turkey Point 4	N
73/09	Indian Point 2	Y
73/06	Browns Ferry 1	Y
73/10	Peach Bottom 2	Y
73/01	Surry 2	N
73/08	Ft. Calhoun	Y
73/03	Point Beach 2	N
74/01	Cooper	Y
74/07	Peach Bottom 3	Y
74/07	Oconee 1, 2, 3	Y
74/06	Browns Ferry 2	Y
74/10	Prairie Island 2	Y
74/05	Arkansas 1	Y
74/02	Duane Arnold	Y
74/04	Prairie Island 1	Y
74/04	TMI 1	Y
74/12	Haddam Neck	Y
74/12	Nine Mile Point	Y
75/12	Big Rock	Y
76/07	Beaver Valley 1	Y
76/12	Salem 1	Y
76/03	Cook 1	Y
76/08	Browns Ferry 3	Y
76/03	St. Lucie 1	Y
77/01	Crystal River	Y
77/12	Cook 2	Y
78/04	North Anna 1	Y
78/10	Arkansas 2	Y
80/09	Sequoyah 1	N
81/06	McGuire 1	N
81/05	Salem 2	Y
81/01	Monticello	Y

Attachment

<u>FOL Issuance Date</u>	<u>Plant</u>	<u>'Steady State'</u>
82/11	San Onofre 3	N
82/12	Susquehanna 1	N
83/06	St. Lucie 2	N
83/03	McGuire 2	N
83/12	Washington Nuclear 2	N
84/10	Callaway 1	N
84/10	Grand Gulf	N
84/11	Diablo Canyon 1	N
84/03	Susquehanna 2	N
84/12 (full-term)	Ginna	Y
85/06	Wolf Creek 1	N
85/11	River Bend	N
85/06	Palo Verde 1	N
85/07	Fermi 2	N
85/08	Limerick 1	N
85/03	Waterford	N
85/01	Catawba 1	N
86/07	Hope Creek	N
86/11	Perry	N
86/04	Palo Verde 2	N
86/05	Catawba 2	N
86/10 (full-term)	Millstone 1	Y
87/08	Beaver Valley 2	N
87/01	Shearon Harris 1	N
87/11	Palo Verde 3	N
87/04	Clinton 1	N
88/03	South Texas 1	N
89/03	South Texas 2	N
89/08	Limerick 2	N
90/04	Comanche Peak 1	N
91/02 (full-term)	Palisades	Y
91/02 (full-term)	Dresden 2	Y
93/04	Comanche Peak 2	N
96/02	Watts Bar 1	N
97/07 (full-term)	Oyster Creek	Y

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE ENERGY CORPORATION, ET AL.DOCKET NOS. 50-413 AND 50-414NOTICE OF PARTIAL DENIAL OF AMENDMENTS TO FACILITY OPERATING LICENSES
AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) has partially denied a request by Duke Energy Corporation (the licensee) for amendments to Facility Operating License (FOL) Nos. NPF-35 and NPF-52, issued to the licensee for operation of the Catawba Nuclear Station, Unit Nos. 1 and 2, located in York County, South Carolina. Notice of Consideration of Issuance of Amendments was published in the FEDERAL REGISTER on February 11, 1998 (63 FR 6983).

The licensee's application of December 18, 1997, as revised by a letter dated January 28, 1998, proposed numerous changes to the FOLs. The licensee proposed to revise the FOLs to delete license conditions that have been fulfilled, to update information to reflect current plant status and regulatory requirements, and to make other correctional, clarifying, or editorial changes. The staff issued amendments to the FOLs, accepting most of the proposed changes. The balance of the proposed changes were not accepted by the staff. The changes that were not accepted are summarized as follows:

1. For the license conditions that have been fulfilled, and the exemptions that are no longer needed, the licensee proposed to have them deleted entirely from the FOLs. The staff, however, believes that indications should be left in the FOLs to provide easy reference to these past license conditions and exemptions. The staff preserved the license

condition and exemption numbers with the word "Deleted" following in parentheses.

Further, the staff did not renumber those license conditions still in existence. Hence, the licensee's proposed changes are partially denied.

2. The licensee proposed to modify the statement that described the construction status as "has been substantially completed" to "was completed." The staff surveyed FOLs granted to other facilities, and found that the expression "has been substantially" is used in each FOL, and its meaning is thus established by such repeated use. The licensee has not provided any reason for the proposed change, other than stating that this is an administrative change to "update the FOL to the current historical status." Thus, this proposed change is denied.
3. The licensee proposed to delete the reference to the Environmental Report, as supplemented, from the FOLs. The licensee gave no justification for deleting the reference to the Environmental Report, which has been required by the National Environmental Policy Act and 10 CFR Part 51, and was a significant part of the basis for granting the FOLs. This proposed change is denied.
4. The licensee proposed to delete any reference to revision numbers to security plans since these security plans are subject to change periodically. However, 10 CFR 50.54(p) has set forth the conditions under which the licensee may make changes without NRC approval, such that the specified revision numbers do not prevent the licensee from making such changes. Hence, the licensee's proposal to omit revision numbers and dates is denied.

The NRC staff has concluded that the licensee's proposed changes described above are unacceptable and are denied. The licensee was notified of the staff's denial by letter dated April 23, 1998.

By May 28, 1998, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written request for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

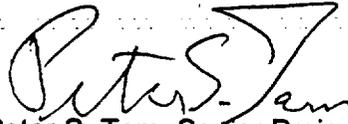
A copy of any petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. Paul R. Newton, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendments dated December 17, 1997, and (2) the Commission's letter to the licensee dated April 23, 1998, 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 29730.

Dated at Rockville, Maryland, this 23rd day of April 1998..

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Peter S. Tam". The signature is written in a cursive style with a large, stylized initial "P".

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