

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

April 8, 1999

SUBJECT: ISSUANCE OF AMENDMENTS - CATAWBA NUCLEAR STATION, UNITS 1 AND 2 (TAC NOS. MA4950 AND MA4951)

Dear Mr. Peterson:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 177 to Facility Operating License NPF-35 and Amendment No. 169 to Facility Operating License NPF-52 for the Catawba Nuclear Station, Units 1 and 2, in response to your application dated March 15, 1999, and supplemented by letter dated March 17, 1999.

The amendments delete Section 3.3.7, "Control Room Area Ventilation System (CRAVS) Actuation Instrumentation," and Section 3.3.8, "Auxiliary Building Filtered Ventilation Exhaust System (ABFVES) Actuation Instrumentation," from the joint Technical Specifications. These surveillance requirements are not applicable to Catawba because the sections do not reflect the design of the Catawba units.

These amendments supersede the Notice of Enforcement Discretion granted on March 11, 1999, and confirmed by letter dated March 15, 1999.

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

Sincerely,

original signed by:  
 Peter S. Tam, Senior Project Manager, Section 1  
 Project Directorate II  
 Division of Licensing Project Management  
 Office of Nuclear Reactor Regulation

Docket Nos. 50-413 and 50-414

- Enclosures: 1. Amendment No. 177 to NPF-35  
 2. Amendment No. 169 to NPF-52  
 3. Safety Evaluation

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OFFICE	PDII-1/PM	PDII-1/LA	DSSA/HICB/BC*	OGC*	PDII-1/SC	PDII-1/SC
NAME	P. Tam <i>PT</i>	C. Hawes <i>CH</i>	J. Mauck	RBachmann	REmch <i>RE</i>	HBerkow
DATE	4/7/99	4/8/99	3/25/99	3/30/99	4/8/99	4/8/99
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 8, 1999

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Sincerely,

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

Peter S. Tam, Senior Project Manager, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-413 and 50-414

Enclosures: 1. Amendment No. 177 to NPF-35  
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cc w/encls: See next page

Catawba Nuclear Station

cc:

Mr. Gary Gilbert  
Regulatory Compliance Manager  
Duke Energy Corporation  
4800 Concord Road  
York, South Carolina 29745

Ms. Lisa F. Vaughn  
Legal Department (PB05E)  
Duke Energy Corporation  
422 South Church Street  
Charlotte, North Carolina 28201-1006

Anne Cottingham, Esquire  
Winston and Strawn  
1400 L Street, NW  
Washington, DC 20005

North Carolina Municipal Power  
Agency Number 1  
1427 Meadowwood Boulevard  
P. O. Box 29513  
Raleigh, North Carolina 27626

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

Piedmont Municipal Power Agency  
121 Village Drive  
Greer, South Carolina 29651

Ms. Karen E. Long  
Assistant Attorney General  
North Carolina Department of Justice  
P. O. Box 629  
Raleigh, North Carolina 27602

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

North Carolina Electric Membership  
Corporation  
P. O. Box 27306  
Raleigh, North Carolina 27611

Senior Resident Inspector  
U.S. Nuclear Regulatory Commission  
4830 Concord Road  
York, South Carolina 29745

Virgil R. Autry, Director  
Division of Radioactive Waste Management  
Bureau of Land and Waste Management  
Department of Health and Environmental  
Control  
2600 Bull Street  
Columbia, South Carolina 29201-1708

L. A. Keller  
Manager - Nuclear Regulatory  
Licensing  
Duke Energy Corporation  
526 South Church Street  
Charlotte, North Carolina 28201-1006

Saluda River Electric  
P. O. Box 929  
Laurens, South Carolina 29360

Mr. Steven P. Shaver  
Senior Sales Engineer  
Westinghouse Electric Company  
5929 Carnegie Blvd.  
Suite 500  
Charlotte, North Carolina 28209

**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. 177  
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 March 15, 1999, and supplemented by letter dated March 17, 1999, 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 Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-35 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 177, which are attached hereto, are hereby incorporated into this license. Duke Energy Corporation shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Richard L. Emch, Jr., Chief, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Technical Specification  
Changes

Date of Issuance: April 8, 1999



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. 169  
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 March 15, 1999, and supplemented by letter dated March 17, 1999, 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 Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-52 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 169 , which are attached hereto, are hereby incorporated into this license. Duke Energy Corporation shall operate the facility in accordance with the Technical Specifications. .

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

*Richard L. Emch, Jr.*

Richard L. Emch, Jr., Chief, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Technical Specification  
Changes

Date of Issuance: April 8, 1999



ATTACHMENT TO LICENSE AMENDMENT NO. 177

TO FACILITY OPERATING LICENSE NO. NPF-35

AND LICENSE AMENDMENT NO. 169

TO FACILITY OPERATING LICENSE NO. NPF-52

DOCKET NOS. 50-413 AND 50-414

Replace the following page of the joint Technical Specifications (Appendix A of the Operating Licenses) with the enclosed page. The revised page is identified by amendment number and contains vertical lines indicating the areas of change.

<u>Remove</u>	<u>Insert</u>
i	i
3.3.7-1	--
3.3.7-2	--
3.3.7-3	--
3.3.7-4	--
3.3.8-1	--
3.3.8-2	--
3.3.8-3	--

Replace the following pages of the Technical Specifications Bases with the enclosed pages. The revised pages are identified by amendment number and contain vertical lines indicating the areas of change.

<u>Remove</u>	<u>Insert</u>
i	i
B 3.3.7-1	--
B 3.3.7-2	--
B 3.3.3-3	--
B 3.3.3-4	--
B 3.3.7-5	--
B 3.3.8-1	--
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 177 TO FACILITY OPERATING LICENSE NPF-35  
AND AMENDMENT NO. 169 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

On March 11, 1999, Duke Energy Corporation (the licensee) determined that Technical Specifications (TS) Surveillance Requirements (SRs) 3.3.7, "Control Room Area Ventilation System (CRAVS) Actuation Instrumentation," and 3.3.8, "Auxiliary Building Filtered Ventilation Exhaust System (ABFVES) Actuation Instrumentation," were not being met at Catawba Nuclear Station, Units 1 and 2. Specifically, the Surveillance Requirements (SRs) in Section 3.3.7 and 3.3.8 are not applicable to Catawba because these SRs do not reflect the design of the units.

By letter dated March 11, 1999, the licensee requested that the NRC exercise discretion not to enforce compliance with the actions required by the Limiting Conditions for Operation (LCOs) associated with Sections 3.3.7 and 3.3.8. The March 11, 1999, letter documented information previously discussed with the staff in a telephone conversation on the same day. As a result of its review, the staff verbally granted enforcement discretion to Catawba on March 11, 1999, and documented the verbal authorization by a Notice of Enforcement Discretion (NOED) letter dated March 15, 1999 (99-6-003). The NOED will expire upon issuance of an amendment to correct the subject TS sections.

By letter dated March 15, 1999, the licensee submitted a request for changes to the Catawba Nuclear Station, Units 1 and 2, Technical Specifications. On March 17, 1999, the licensee revised the original request, eliminating the proposed revision of Section 3.7.10. The licensee's requested changes would delete in their entirety Sections 3.3.7 and 3.3.8, and the associated sections in the Technical Specifications Bases document. The staff's detailed evaluation follows.

2.0 EVALUATION

The licensee proposed to delete Sections 3.3.7 and 3.3.8 in their entirety. The basis for this deletion is that Sections 3.3.7 and 3.3.8 do not correctly reflect the design of the Catawba CRAVS and ABFVES actuation instrumentation. At Catawba, the Solid State Protection System (SSPS) provides input to the diesel generator load sequencer, which, in turn, provides input to the CRAVS and ABFVES. Thus, the CRAVS and ABFVES are not directly actuated by the

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SSPS. However, the surveillance requirements (actuation logic test, master relay test, slave relay test) currently specified by in Sections 3.3.7 and 3.3.8 are written on the assumption that the CRAVS and ABFVES are directly actuated by the SSPS. Catawba TS Table 3.3.2-1 (not the subject of this amendment), Function 1b, already specifies all the necessary requirements that apply to the automatic actuation logic and actuation relays (master relays and slave relays) insofar as SSPS testing is concerned. Accordingly, the load sequencer output signal is tested as part of the engineered safeguards testing, which is conducted during refueling outages. Thus, the automatic start capability of the CRAVS and ABFVES will continue to be appropriately tested.

TS Sections 3.7.10, "Control Room Area Ventilation System (CRAVS)," and 3.7.12, "Auxiliary Building Filtered Ventilation Exhaust System (ABFVES)," which are not the subject of this amendment, will continue to specify mechanical requirements for the CRAVS and ABFVES. Further, the staff recognizes that the Catawba CRAVS and ABFVES are not actuated by high radiation, and chlorine detector circuit testing had been previously moved out of the TS (i.e., Amendment No. 173 for Unit 1 and Amendment No. 165 for Unit 2). Thus, deletion of Sections 3.3.7 and 3.3.8 will have no adverse consequences insofar as high radiation protection and high chlorine protection requirements are concerned.

In the March 15, 1999, letter the licensee originally proposed to also revise Section 3.7.10. By letter dated March 17, 1999, the licensee withdrew that proposal. Hence, Section 3.7.10 is not a subject of this safety evaluation.

On the basis of the preceding information, the staff has determined that Sections 3.3.7 and 3.3.8 are not necessary in that all mechanical and actuation requirements for these sections are already specified by other sections in the TS. Further, Sections 3.3.7 and 3.3.8 were incorrectly written for the Catawba CRAVS and ABFVES instrumentation design. There are no negative safety consequences associated with deleting the actions specified by these sections. The staff thus concludes that it is acceptable to delete Sections 3.3.7 and 3.3.8 in their entirety.

### 3.0 STATEMENT OF EXIGENT CIRCUMSTANCES

The Commission's regulation, as stated in Title 10 of the Code of Federal Regulations (10 CFR) Section 50.91, provides special exceptions for the issuance of amendments when the usual 30-day notice cannot be met. One type of special exception is an exigency. An exigency exists when the staff and the licensee need to act quickly and time does not permit the staff to publish a Federal Register notice allowing 30 days for prior comment, and the staff determines that the amendments involve no significant hazard consideration.

In accordance with 10 CFR 50.91(a)(6)(i)(A), the staff issued a Federal Register notice on March 24, 1999 (64 FR 14274), providing notice of an opportunity for hearing and proposing that the requested amendments involve no significant hazard consideration. The public was allowed 14 days after the date of publication of that notice to provide comments. No comments were received.

On March 11, 1999, as result of discussions with the staff, the licensee concluded that compliance with the SRs of Sections 3.3.7 and 3.3.8 was not needed because these sections

were incorrectly written for the design of the CRAVS and ABFVES at Catawba. On August 15, 1999, the licensee submitted its amendment request. On March 17, 1999, the licensee submitted a revision to the original amendment request. In its application, the licensee explained why the exigent situation occurred.

These amendments complete the review process and implement the proposed TS changes, pursuant to the NRC's policy regarding exercising discretion for an operating facility set forth in Section VII.c of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, for processing NOEDs. The staff has determined that, because compliance with the subject requirements would necessitate shutdown of the units, and in light of the NOED, issuance of these amendments is needed in less than the 30-day comment period normally allowed for processing TS amendments. In addition, the licensee used its best efforts to make a timely application, and that the licensee did not cause the exigent situation. Therefore, pursuant to 10 CFR 50.91(a)(6), the staff has determined that exigent circumstances exist and the amendments are being processed accordingly.

#### 4.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

The Commission's regulations in 10 CFR 50.92 state that the Commission may make a final determination that a license amendment involves no significant hazards considerations, if operation of the facility, in accordance with the amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (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.

In its analysis of the issue of no significant hazards consideration, as required by 10 CFR 50.91(a), the licensee has provided the following:

##### First Standard

Implementation of this amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. Approval of this amendment will have no effect on accident probabilities or consequences. No physical changes are being made to the plant design which will result in any increase in accident probabilities. Approval of this amendment will not result in a decrease in system or equipment reliability or availability. Therefore, there will be no impact on any accident consequences.

##### Second Standard

Implementation of this amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. No new accident causal mechanisms are created as a result of NRC approval of this amendment request. No changes are being made to the plant that will introduce any new accident causal mechanisms.

##### Third Standard

Implementation of this amendment would not involve a significant reduction in a margin of safety. Margin of safety is related to the confidence in the ability of the fission product

barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The performance of these fission product barriers will not be degraded by the implementation of this amendment. No safety margins will be impacted.

The NRC staff has evaluated the amendments and the licensee's analysis against the three standards of 10 CFR 50.92(c). The NRC staff concludes that the amendments meet the three criteria of 10 CFR 50.92(c). Therefore, the staff has made a final determination that the proposed amendments do not involve a significant hazards consideration.

#### 5.0 STATE CONSULTATION

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

#### 6.0 ENVIRONMENTAL CONSIDERATION

The amendments change surveillance requirements. The NRC staff has determined that (1) the amendments involve no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, and (2) there is no significant increase in individual or cumulative occupational radiation exposure. In addition, the NRC staff has made a final finding that the amendments involve no significant hazards consideration. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

#### 7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: Hukam Garg  
Peter S. Tam

Date: April 8, 1999