

June 10, 1997

Mr. M. S. Tuckman
Senior Vice President
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Duke Power Company
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SUBJECT: ISSUANCE OF EXEMPTION TO 10 CFR 50.71(e)(4), CATAWBA AND MCGUIRE NUCLEAR STATIONS (TAC M98043, M98044, M98100, AND M98101)

Dear Mr. Tuckman:

The Commission has issued the enclosed exemption from certain requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the Updated Final Safety Analysis Report (UFSAR) for facility changes made under 10 CFR 50.59 for the Catawba and McGuire nuclear stations. This exemption is related to your application dated February 24, 1997, to schedule updates to each station's unified UFSAR for the two units on each site once per fuel cycle (based upon the Unit 2 refueling outage schedule). With the current length of fuel cycles, UFSAR updates would be submitted every 18 months, but not to exceed 24 months from the last submittal.

A copy of the Exemption and the supporting Safety Evaluation by the staff are enclosed. The Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY D. LABARGE FOR:

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

Docket Nos. 50-369, 50-370, 50-413, and 50-414

Enclosures: 1. Exemption
2. Safety Evaluation

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5/14/97 *as raised*

OFFICE	PDII-2/PM	PDII-2/PM	PDII-2/D	OGC	DRPE/D	ADP	NRG/DO
NAME	PTam	VNurses	HBerkow	RMcGowan	SVarga	RZimmerman	PHI/AG/ta
DATE	5/13/97	5/14/97	1/197	5/20/97	5/10/97	5/12/97	5/19/97

OFFICE	NRG/DO
NAME	S. Collins
DATE	6/18/97

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

June 10, 1997

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Senior Vice President
Nuclear Generation
Duke Power Company
P. O. Box 1006
Charlotte, NC 28201

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Sincerely,

A handwritten signature in black ink, appearing to read "Herb N. Berkow".

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

Docket Nos. 50-413, 50-414, 50-369,
and 50-370

Enclosures: 1. Exemption
2. Safety Evaluation

cc w/encls: See next page

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Catawba Nuclear Station

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McGuire Nuclear Station
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Vice President, McGuire Site
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Huntersville, North Carolina 28078

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
DUKE POWER COMPANY)	Docket Nos. 50-413 and 50-414
)	50-369 and 50-370
(Catawba Nuclear Station)	
Units 1 and 2))	
(McGuire Nuclear Station)	
Units 1 and 2))	

EXEMPTION

I.

Duke Power Company (the licensee) is the holder of Facility Operating License Nos. NPF-35 and NPF-52, for the Catawba Nuclear Station (CNS), Units 1 and 2; and NPF-9 and NPF-17 for the McGuire Nuclear Station (MNS), Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

These facilities consist of two pressurized water reactors located at each of the licensee's site in York County, South Carolina, and Mecklenburg County, North Carolina.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71 "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The CNS and MNS two-unit sites share a common UFSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for either unit.

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III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states that

The Commission may, upon application by any interested person, or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule...." As noted in the staff's Safety Evaluation, the licensee's proposed schedule for UFSAR updates will ensure that the CNS and MNS UFSARs will be maintained current within 24 months of the last revision and the interval for submission of the 10 CFR 50.59 design change report will not exceed 24 months. The proposed schedule fits within the 24-month duration specified by 10 CFR 50.71(e)(4). Literal application of 10 CFR 50.71(e)(4) would require the licensee to update the same document within 6 months after a refueling outage for either unit, a more burdensome requirement than intended. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest. The Commission hereby

grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the CNS and MNS UFSARs within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Catawba UFSAR and McGuire UFSAR within six months after each station's Unit 2 refueling outage. With the current length of fuel cycles, UFSAR updates would be submitted every 18 months, but not to exceed 24 months from the last submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (62 FR 28906).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

**Original signed by
Samuel J. Collins**

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 10th day of June 1997

OFFICE	PDII-2/PM	PDII-2/D	PDII-2/PM	PDII-2/D	DRPE/D	OGC
NAME	LBerry*	VNerses*	PTam	HBerkow*	SVarga*	JHull*
DATE	5 /13 /97	5 /14/97	5 /18/97	5 /23/97	5 /27/97	5 /20/97
OFFICE	#5 5127 NRR/AD		NRR/D			
NAME	RZimmerman		SCollins			
DATE	5 /20 /97		6 /8 /97			

DOCUMENT NAME: G:\CATAWBA\CAT98043.EX

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*See previous concurrence

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FOR THE NUCLEAR REGULATORY COMMISSION


Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 10th day of June 1997



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

EXEMPTION FROM UPDATED FINAL SAFETY ANALYSIS REPORT

UPDATE REQUIREMENTS OF 10 CFR 50.71(e)(4)

DUKE POWER COMPANY

CATAWBA NUCLEAR STATION, UNITS 1 AND 2

DOCKET NOS. 50-413 AND 50-414

MCGUIRE NUCLEAR STATION

DOCKET NOS. 50-369 AND 50-370

1.0 INTRODUCTION

By letter dated February 24, 1997, Duke Power Company (the licensee) submitted a request for an exemption from the requirements of 10 CFR 50.71(e)(4), "Maintenance of records, making reports." Section 50.71(e)(4) requires, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The two Catawba Nuclear Station (CNS) units and the two McGuire Nuclear Station (MNS) units share a common UFSAR; therefore, this rule requires, literally, the licensee to update the station's UFSAR within 6 months after a refueling outage for either unit.

2.0 EVALUATION

Section 50.71(e)(4) ensures that all licensees update their UFSARs at least every refueling outage and no less frequently than every 2 years. When two units share a common FSAR, the rule has the effect of making the licensee update the FSAR roughly every 12 to 18 months. The current rule, as revised in August 31, 1992 (57 FR 39358), was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. The burden reduction, however, can only be realized by single-unit facilities or multiple-unit facilities that maintain separate UFSARs for each unit. For multiple-unit facilities with a common UFSAR, the "each refueling outage" phrase increases rather than decreases the regulatory burden. To address this concern for multi-unit plants, the authors of the revised rule stated, in response to a comment on the draft revision, that "[w]ith respect to [the] concern about multiple facilities sharing a common [U]FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis."

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The licensee's requested exemption would permit periodic UFSAR updates within 6 months of each station's Unit 2 refueling outage, but not to exceed 24 months from the last revision. Thus the requirement that an update be submitted within 6 months of an outage of each unit is no longer retained. With the exemption, the CNS and MNS UFSAR will be updated and maintained current within 24 months of the last revision.

3.0 CONCLUSION

The staff finds that the proposed alternative meets the intent of the existing regulations, requiring the UFSAR of each station be revised at least once per 24 months; therefore, the proposed exemption from 10 CFR 50.71(e)(4) for CNS Units 1 and 2, and MNS, Units 1 and 2, is acceptable.

Principal Contributor: Peter S. Tam

Date: June 10, 1997