

Mr. H. B. Barron
 Vice President, McGuire
 Duke Energy Corporation
 12700 Hagers Ferry Road
 Huntersville, NC 28078-8985

October 1, 1999

SUBJECT: MCGUIRE NUCLEAR STATION, UNIT 2 - ISSUANCE OF EXEMPTION TO
 10 CFR 54.17(c) REGARDING SCHEDULE FOR LICENSE RENEWAL
 APPLICATION (TAC MA5914)

Dear Mr. Barron:

The Commission has issued the enclosed exemption from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 54, Section 54.17(c), regarding the schedule for submitting an application for operating license renewal. The exemption allows submission of an application to renew the license for McGuire Unit 2 earlier than 20 years before expiration of the current operating licenses as specified in 10 CFR 54.17(c), but not earlier than June 13, 2001. We encourage you to interact with us as you develop the form and content of the McGuire license renewal application. This would help achieve your goal of obtaining efficiencies in the preparation and review of the applications.

I have enclosed the Exemption and the associated Safety Evaluation by the staff. We have sent the Exemption to the Office of the *Federal Register* for publication.

Sincerely,

Original signed by

Frank Rinaldi, Project Manager, Section 1
 Project Directorate II
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

Docket Nos. 50-369 and 50-370

Enclosures:

- 1. Amendment No. to NPF-9
- 2. Amendment No. to NPF-17
- 3. Safety Evaluation

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

October 1, 1999

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Duke Energy Corporation
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A handwritten signature in cursive script, appearing to read "Frank Rinaldi".

Frank Rinaldi, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-370

Enclosures: 1. Exemption
2. Safety Evaluation

cc w/encl: See next page

McGuire Nuclear Station

cc:

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
DUKE ENERGY CORPORATION ET AL.)	
)	
(Catawba Nuclear Station, Units 1 and 2))	Docket Nos. 50-413 and 50-414
)	
(McGuire Nuclear Station, Unit 2))	Docket No. 50-370

EXEMPTION

I.

Duke Energy Corporation et al. (the licensee, Duke) 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.

Each of these facilities consists of two pressurized water reactor units located at the licensee's Catawba site in York County, South Carolina, and McGuire site in Mecklenburg County, North Carolina.

II.

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 54, addresses the various requirements for renewal of operating licenses for nuclear power plants. Section 54.17(c) of Part 54 specifies:

An application for a renewed license may not be submitted to the Commission earlier than 20 years before the expiration of the operating license currently in effect.

Pursuant to 10 CFR 54.15, the Commission may grant an exemption from the requirements of 10 CFR Part 54 in accordance with the provisions of 10 CFR 50.12, which in turn specifies that 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. The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are considered to be present under Section 50.12(a)(2)(ii) where application of the regulation would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

III.

By letter dated June 22, 1999, the licensee requested an exemption from 10 CFR 54.17(c) for McGuire, Unit 2, and Catawba, Units 1 and 2.

In initially promulgating Section 54.17(c) in 1991, the Commission stated that the purpose of the time limit was "to ensure that substantial operating experience is accumulated by a licensee before it submits a renewal application" (56 FR 64963). At that time, the Commission found that 20 years of operating experience provided a sufficient basis for renewal applications. However, in issuing the amended Part 54 in 1995, the Commission indicated it would consider an exemption to this requirement if sufficient information was available on a plant-specific basis to justify submission of an application to renew a license before completion of 20 years of operation (60 FR 22488).

The 20-year limit was imposed by the Commission to ensure that sufficient operating experience was accumulated to identify any plant-specific aging concerns. As set forth below, McGuire, Unit 2, and both Catawba units are sufficiently similar to McGuire, Unit 1, such that the operating experience for McGuire, Unit 1, should apply to the other three units. In addition,

the other three units have accumulated significant operating experience. Accordingly, under the requested exemption, sufficient operating experience will have been accumulated to identify any plant-specific aging concerns for all four units.

McGuire and Catawba are two-unit stations comprised of four-loop Westinghouse pressurized water reactors with ice-condenser containments and a rated power of 3411 megawatts. The licensee states that it will use the combined experience it has gained by operation of the McGuire and Catawba units to perform the evaluations required to support the license renewal applications. The licensee also states that the two McGuire units and the two Catawba units are similar in design, operation, and maintenance. This statement is supported by a review of the McGuire and Catawba Updated Final Safety Analysis Reports (UFSARs). In particular, Section 1.3 of the Catawba UFSAR describes the similarities in design between McGuire and Catawba. Table 1-2 of the Catawba UFSAR lists significant similarities between systems, structures, and components installed at Catawba and McGuire, including elements of the reactor system, the reactor coolant system, the engineered safety features, and the auxiliary systems. Additionally, Duke indicates that the current aging management programs and activities are also similar at each of the four units.

The licensee also stated that there are "regular and systematic exchanges of information on plant-specific operating experience among all three Duke nuclear stations" (McGuire, Catawba, and Oconee). An example provided was peer communications that occurred on an ongoing basis during the normal course of operation and maintenance of the units. Additionally, during certain infrequent occurrences at any one station, peer observers from the other Duke plants participate to gain firsthand experience and to provide input based on their own experiences. These communications provide the means to continually improve plant programs. Additionally, peer group meetings are held regularly throughout the year to discuss topics of mutual interest. The effectiveness of programs and activities is reviewed, and program changes

are often discussed. This sharing of plant-specific operating experience among the Duke nuclear stations is part of Duke's normal process to maintain the effectiveness of plant programs and activities and to continually improve the performance of Duke's nuclear stations.

Given these similarities, the operating experience at McGuire, Unit 1, should be applicable to McGuire, Unit 2, and also to the Catawba units for purposes of the license renewal review. At the earliest date for submitting an application, McGuire, Unit 1, will have achieved the required 20 years of operation and its operating experience will be applicable to Unit 2 which will have almost met the 20-year requirement with 18.3 years of operating experience. At this time, the Catawba units will have operated for a substantial period of time (approximately 16.5 years for Unit 1 and 15.3 years for Unit 2) which provides additional plant-specific operating experience to supplement the McGuire operating experience. The actual twenty years of operating experience of McGuire Unit 1, in conjunction with the substantial number of years of operation of the other three units, should be sufficient to identify any aging concerns applicable to the four units.

Therefore, sufficient combined operating experience should exist at the earliest possible date for submittal to satisfy the intent of Section 54.17(c), and application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The staff finds that Duke's request meets the requirement in Section 50.12(a)(2) that special circumstances exist to grant the exemption.

IV.

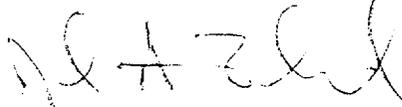
Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). As stated in Section III above, the staff finds that the combined operating experience of the four McGuire and Catawba units would satisfy the intent of Section 54.17 at the earliest possible date for submittal of concurrent applications (June 13,

2001), and application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 54.17(c). Specifically, this exemption removes the scheduler requirement which prohibits the licensee from applying to the Commission for a renewed license earlier than 20 years (but no earlier than June 13, 2001), before the expiration of the Catawba, Units 1 and 2 and McGuire, Unit 2, operating licenses currently in effect.

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 (64 FR 52802 and 64 FR 52803).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland, this 1st day of October 1999

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FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland, this

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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

EXEMPTION FROM 10 CFR 54.17(c)

REGARDING SCHEDULE TO APPLY FOR A RENEWED OPERATING LICENSE

CATAWBA NUCLEAR STATION, UNITS 1 AND 2

DOCKET NOS. 50-413 AND 50-414

MCGUIRE NUCLEAR STATION, UNIT 2

DOCKET NO. 50-370

1.0 INTRODUCTION

Requirements for filing applications for renewed operating licenses are contained in the license renewal rule, Title 10 of the *Code of Federal Regulations* (10 CFR), Part 54, Section 54.17(c), which states: "An application for a renewed license may not be submitted to the Commission earlier than 20 years before the expiration of the operating license currently in effect."

Duke Energy Corporation (licensee/Duke) requested, in a letter dated June 22, 1999, an exemption from the 20-year restriction in Section 54.17(c) to allow it to submit renewal applications for McGuire, Unit 2, and Catawba, Units 1 and 2, earlier than 20 years before expiration of their operating licenses. Such an exemption would allow Duke to submit applications for renewal of the operating licenses of McGuire, Units 1 and 2, and Catawba, Units 1 and 2, on the same or similar schedules with the goal of obtaining efficiencies for preparation and review of the applications. Duke has indicated that the McGuire and Catawba applications would not be submitted until June 2001 when McGuire, Unit 1, achieves 20 years of operating experience. Duke stated that the exemptions were requested at this time because it needs to know, by the fall of 1999, the regulatory conditions under which license renewal applications for McGuire and Catawba can be prepared to support submittal of the applications to the Nuclear Regulatory Commission (NRC) in June 2001.

The current operating license for McGuire, Unit 1, expires on June 12, 2021, and for McGuire, Unit 2, on March 3, 2023. The current operating license for Catawba, Unit 1, expires on December 6, 2024, and for Catawba, Unit 2, on February 24, 2026. If Duke submits the renewal applications on the earliest possible date, June 13, 2001, when McGuire, Unit 1, meets the 20-year limit contained in Section 54.17(c), McGuire, Unit 2, will have approximately 18.3 years of operating experience and Catawba, Units 1 and 2, approximately 16.5 years and 15.3 years operating experience, respectively.

In its request, Duke stated that business considerations dictate preparation and submittal of concurrent license renewal applications for McGuire and Catawba. Further, Duke stated that submittal of such renewal applications in 2001, as opposed to some time thereafter, is

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necessary to obtain the full amount of the potential cost savings. To support preparation of the July 1998 Oconee Nuclear Station renewal applications, Duke assembled a team of individuals with relevant experience in necessary disciplines to prepare the applications and to remain dedicated to the renewal effort throughout the period of NRC staff review. According to Duke, granting the exemption request would allow it to use this same team of qualified and experienced professionals to prepare its McGuire and Catawba renewal applications. Thus, Duke states that it can avoid redeployment costs that would arise if it were unable to proceed promptly with preparation of additional renewal applications. Duke indicated that it would also be able to avoid the costs that would arise if it were forced to reassemble and train a new team to prepare McGuire and Catawba applications in the future.

2.0 EVALUATION

Section 54.15 states that exemptions from the requirements of Part 54 may be granted by the Commission in accordance with Section 50.12. An exemption may be granted under Section 50.12 if 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. However, an exemption will not be granted unless special circumstances are present as defined in Section 50.12(a)(2).

2.1 Authorized by Law

The Commission's basis for establishing the 20-year limit contained in Section 54.17(c) is discussed in the 1991 Statements of Consideration for Part 54 (56 FR 64963). The limit was established to ensure that substantial operating experience was accumulated by a licensee before a renewal application is submitted such that any plant-specific concerns regarding aging would be disclosed. In amending the rule in 1995, the Commission sought public comment on whether the 20-year limit should be reduced. The Commission determined that sufficient basis did not exist to generically reduce the 20-year limit. However, the Commission did indicate in the Statements of Consideration for the amended rule (60 FR 22488), that it was willing to consider plant-specific exemption requests by applicants who believe that sufficient information is available to justify applying for license renewal prior to 20 years from expiration of the current license. Duke's exemption requests are consistent with the Commission's intent to consider plant-specific requests.

The current operating licenses for McGuire and Catawba are issued in accordance with Section 103 of the Atomic Energy Act, as amended (AEA). Section 103 and 10 CFR 50.51 limit the duration for an operating license to a maximum of 40 years. In accordance with Section 54.31, the renewed license will be of the same class as the operating license currently in effect and cannot exceed a term of 40 years. Therefore, the term of the renewed licenses for McGuire and Catawba are limited both by law and the Commission's regulations to 40 years. Additionally, Section 54.31(b) states that:

A renewed license will be issued for a fixed period of time, which is the sum of the additional amount of time beyond the expiration of the operating license (not to exceed 20 years) that is requested in a renewal application plus the remaining number of years on the operating license currently in effect. The term of any renewed license may not exceed 40 years.

In its request, Duke stated that it is not seeking exemption from the forty-year limit imposed on the term of McGuire and Catawba's renewed operating licenses. Duke indicated that it expects the NRC to adjust the terms of the renewed licenses accordingly. Therefore, should the Commission determine to renew the McGuire or Catawba licenses, granting of Duke's exemption requests will not result in violation of the AEA and the Commission's regulations with respect to the duration of any renewed license.

Because of Duke's decision to apply early for license renewal for McGuire, Unit 2, and Catawba, Units 1 and 2, Duke may not obtain the maximum 20-year period of extended operation permitted by Section 54.31(b). Any actual reduction will depend on the date the renewed licenses are issued. If Duke desires further extension of McGuire and Catawba's operating licenses in the future, additional renewal applications can be submitted in accordance with Part 54.

2.2 No Undue Risk to Public Health and Safety

Duke's exemption requests seek only scheduler relief regarding the date of submittal, and not substantive relief from the requirements of Parts 51 or 54. Duke must still conduct all environmental reviews required by Part 51 and all safety reviews and evaluations required by Part 54 when preparing the applications for McGuire and Catawba. The staff's review will verify that all applicable Commission regulations have been met before issuing the renewed licenses. Therefore, the staff finds that granting these scheduler exemptions will not represent an undue risk to public health and safety.

2.3 Consistent with the Common Defense and Security

As discussed previously, the exemptions requested are only scheduler exemptions. The NRC staff will review any renewal applications Duke submits pursuant to the requested exemption to determine whether all applicable requirements are fully met. Accordingly, granting the requested exemptions will not adversely affect the common defense and security.

2.4 Special Circumstances Supporting Issuance of the Exemptions

An exemption will not be granted unless special circumstances are present as defined in Section 50.12(a)(2). Specifically, Section 50.12(a)(2)(ii) states that a special circumstance exists when "application of the regulation in the particular circumstances ... is not necessary to achieve the underlying purpose of the rule." In initially promulgating Section 54.17(c) in 1991, the Commission stated that the purpose of the time limit was "to ensure that substantial operating experience is accumulated by a licensee before it submits a renewal application." (56 FR 64963). At that time, the Commission found that twenty years of operating experience provided a sufficient basis for renewal applications. However, in issuing the amended Part 54 in 1995, the Commission indicated it would consider an exemption to this requirement if sufficient information was available on a plant-specific basis to justify submission of an application to renew a license before completion of 20 years of operation (60 FR 22488).

The 20-year limit was imposed by the Commission to ensure that sufficient operating experience was accumulated to identify any plant-specific aging concerns. As set forth below, McGuire, Unit 2, and both Catawba units are sufficiently similar to McGuire, Unit 1, such that the operating experience for McGuire, Unit 1, should apply to the other three units. In addition,

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Given these similarities, the operating experience at McGuire, Unit 1, should be applicable to McGuire, Unit 2, and also to the Catawba units for purposes of the license renewal review. At the time of application, McGuire, Unit 1, will have achieved the required 20 years of operation and its operating experience will be applicable to Unit 2 which will have almost met the 20-year requirement with 18.3 years of operating experience. Because of the similarity of design, operation, and maintenance between McGuire and Catawba, the McGuire operating experience should be applicable to Catawba. Additionally, the Catawba units will have operated for a substantial period of time (approximately 16.5 years for Unit 1 and 15.3 years for Unit 2) which provides additional plant-specific operating experience to supplement the McGuire operating experience. The actual twenty years of operating experience of McGuire Unit 1, in conjunction with the substantial number of years of operation of the other three units, should be sufficient to identify any aging concerns applicable to the four units.

Therefore, sufficient combined operating experience should exist at the earliest possible date for submittal to satisfy the intent of Section 54.17(c), and application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The staff finds that Duke's request meets the requirement in Section 50.12(a)(2) that special circumstances exist to grant the exemption.

3.0 CONCLUSION

The staff finds that based on the similarity between the McGuire and Catawba units and the operating experience that will be available at the earliest possible date for submittal of concurrent applications (June 13, 2001), there is sufficient basis to find that the Commission's intent in Section 54.17(c) regarding the timing for submittal of a renewal application can be met to justify granting the exemptions for McGuire, Unit 2, and Catawba, Units 1 and 2. Should Duke submit applications to renew the licenses for McGuire and Catawba, those applications must demonstrate full compliance with Parts 51 and 54 for each of the units and include information addressing the similarity in design, operation and maintenance to support the submittal of concurrent applications. In the course of its review of any application to renew the licenses for the McGuire and Catawba units, the NRC staff will examine how the actual operating experience available from all the units applies to the particular systems, structures, and components at those plants.

Principal Contributor: Stephen Hoffman

Date: October 1, 1999