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March 31, 2010

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U. S. Nuclear Regulatory Commission
ATTN.: Document Control Desk
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Subject: Duke Energy Carolinas, LLC (Duke Energy)
Catawba Nuclear Station (Catawba), Units 1 and 2
Docket Nos. 50-413, 50-414
Request for Extension of Enforcement Discretion and Revised Submittal
Schedule for 10 CFR 50.48(c) License Amendment Request

By letter dated June 4, 2007, Duke Energy informed the Nuclear Regulatory Commission (NRC) of its plan to submit the 10 CFR 50.48(c) License Amendment Request (LAR) for Catawba by July 2, 2010. In accordance with the August 19, 2008 NRC approval of the NRC Enforcement Policy change proposed by the staff in COMSECY-08-0022, Duke Energy requests that enforcement discretion and the due date for the 10 CFR 50.48(c) LAR for Catawba be extended to six (6) months past the date of the safety evaluation report approving the second pilot plant LAR.

In keeping with the assessment criteria outlined in COMSECY-08-0022, Duke Energy bases this request on the "substantial progress" that has been made on the NFPA 805 transition tasks. Substantial progress toward completion of NFPA 805 transition is discussed in the attachment to this letter.

Please contact A.P. (Tony) Jackson at (803) 701-3742 or David J. Goforth at (704) 382-2659 if there are any questions concerning this submittal.

Very truly yours,

James R. Morris

Attachment

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NRR

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Attachment

**Catawba Nuclear Station, Units 1 and 2
NFPA 805 Transition Progress**

Duke Energy
Catawba Nuclear Station
NFWA 805 Transition Progress

COMSECY-08-0022 requested information from licensees on demonstrated progress toward completion of NFWA 805 transition as a condition of granting an extension of enforcement discretion. Duke Energy has made substantial progress in the Catawba Nuclear Station NFWA 805 transition effort. Duke Energy has participated in the NEI NFWA 805 Task Force, Fire PRA Task Forces, the Frequently Asked Question (FAQ) process, and has made significant efforts in performing work activities in an effective manner, while utilizing the lessons learned from the Pilot Plant process. Federal Register 52706 from September 10, 2008 states the NRC Enforcement Policy outlines the information required in the extension request letter:

"In order for the NRC to adequately evaluate the transition progress, licensees that request enforcement discretion beyond the three years currently available should make their request to the NRC in writing at least 3 months before the expiration of the 3-year discretion period and compile or submit the following information:"

Each of the required information items is listed below with the Duke Energy Response:

1. Compile, for on-site NRC audit/inspection, a list of all fire protection-related noncompliances and the related compensatory measures for those noncompliances.

Duke Energy Response:

In addition to the information contained in this attachment, COMSECY-08-0022 required additional information to be compiled/documented on site and available for inspection/audit.

All non-compliances with the existing fire protection program have been entered into the site corrective action program and appropriate compensatory measures in accordance with the existing fire protection program have been implemented. This information is contained within the site's corrective action program and is available for review.

2. Document, for onsite NRC audit/inspection, that each Operator Manual Action put in place as compensatory measures are feasible and reliable, in accordance with staff provided guidance in Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements."

Duke Energy Response:

Un-allowed Operator Manual Actions are considered compensatory measures according to the fire protection program. The fire protection program requires that any such actions comply with RIS 2005-07. The feasibility of the Operator Manual Actions has been reviewed and any such action being considered as a compensatory measure is considered feasible. The feasibility review for these actions was done based on the existing safe shutdown analysis. Therefore, the existing feasibility determination may

require modification and/or revision due to information generated by the NFPA 805 transition effort. This review cannot be completed until most other transition efforts, including the fire PRA effort, are completed since the information generated during the transition effort may change which actions are required or the timing required for required actions. Therefore, the feasibility of some of these actions will be reviewed at the completion of the fire PRA effort. This approach is consistent with the pilot plants.

3. Submit a description of the physical modifications performed, if any, to address existing risk-significant fire protection issues.

Duke Energy Response:

As the transition process continues, required plant modifications may be identified. Any required modifications will be identified in the License Amendment Request submittal letter, and that letter will provide a schedule and commitments for any such modifications. Issues identified prior to and during the NFPA 805 transition process are listed below:

Hemyc in the Auxiliary Feedwater Pump Rooms: Based upon information shared with the Industry by the NRC in their Public Meeting of April 29, 2005 and a joint meeting of Duke Fire Protection Engineers to review that data on May 2, 2005, some Catawba Hemyc wrap configurations were determined to be susceptible to the deficiencies found in the NRC sponsored fire wrap qualification tests. This was treated as a degraded barrier and a fire watch was initiated per SLC 16.9-5. Alternate contingency measures were later implemented per RIS 2005-07 and the fire watch was discontinued. This will be addressed during the transition to NFPA 805.

Improper Cable Routing to a DC to AC Power Inverter: During the reconstitution of the design basis for post fire safe shutdown for Catawba it was determined that a cable which provides power to the SSF was routed through an area which relies upon the SSF as the safe shutdown train in the event of a fire. This was treated as a degraded barrier and a fire watch was initiated per Selected Licensee Commitment 16.9-5. Alternate contingency measures were later implemented per RIS 2005-07 and the fire watch was discontinued. An Engineering Change Request (ECR 1960) has been initiated to correct this deficiency and is being reviewed for appropriate scheduling.

Volume Control Tank (VCT) Outlet valves: During the 2004 NRC Triennial Fire Audit, a potential post fire safe shutdown scenario was postulated. The scenario involved a fire in which a failure of either of two in-series valves could affect the suction supply to either in-service High Pressure Injection Pump. An interlock has been installed to ensure the High Pressure Injection Pump suction supply will not be lost. Modification CD101262 was implemented for Unit 1 and CD201263 was implemented for Unit 2. This issue is closed.

Breaker Coordination Issue: During the reconstitution of the design basis for post fire safe shutdown for Catawba two breaker coordination issues were identified on each Unit in which a fire could result in the loss of the associated feeder bus. A fire watch was

initiated per SLC 16.9-5. Alternate contingency measures were later implemented per RIS 2005-07 and the fire watch was discontinued. These circuits were later modified by adding fuses to coordinate these circuits. Modifications to install fuses for breaker coordination were installed per CD101486 for Unit 1 and CD 201469 for Unit 2. This issue is closed.

4. Submit a status report of the transition, including a schedule of milestones for completing the fire PRA. The status report should be broken down into the following major areas:
- Classical fire protection transition (in accordance with NFPA 805) Chapter 3)
 - Nuclear Safety Performance Criteria transition (in accordance with NFPA 805 Chapters 1, 2 and 4)
 - Nonpower operational transitions
 - NFPA 805 monitoring program

Duke Energy Response:

The following table represents the major work activities for Catawba Nuclear Station associated with NFPA 805 Transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 LAR/Transition Reports that document the results of the NFPA 805 Transition Reports. As shown in the table below, Catawba Nuclear Station has demonstrated substantial progress in the NFPA 805 transition process.

| LAR/TR Reference | Topic | Approximate % Complete | Current Milestone ⁽¹⁾ Completion Schedule |
|----------------------------|--|------------------------|--|
| N/A | Safe shutdown Analysis Update (pre-requisite task) | 100% | Complete |
| 4.1 Attachment A | Fundamental FP Program Elements and Minimum Design Requirements (Table B-1) | 100% | Complete |
| 4.2.1 Attachment B | Nuclear Safety Capability Assessment - Methodology (Table B-2) | 100% | Complete |
| Section 4.2.2 Attachment C | Nuclear Safety Capability Assessment - Fire Area-by-Fire Area Review (Table B-3) | 60% | September 2010 |
| Section 4.3 Attachment D | Non Power Operational Modes (Table F-1) | 25% | November 2010 |
| Section 4.4 Attachment E | Radioactive Release (Table G-1) | 5% | November 2010 |
| 4.5.1 | Fire PRA Development | 85% | July 2010 |

Note 1 - Schedule dates are milestones and do not constitute commitments.

COMSECY-08-0022 requested that as part of the status report for demonstrating substantial progress on the transition that the status of the NFPA 805 monitoring program be provided. The monitoring process for the entire fleet (which includes Catawba) has been outlined and will be included in the Oconee LAR. The fleet monitoring process is being developed and will be in place for Catawba by the time the SER is issued.