

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-413 and 50-414NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-35 and NPF-52 issued to Duke Power Company (the licensee) for operation of Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

The proposed amendments to the Technical Specifications (TSs) would increase the weight of ice required to be maintained in the containment ice condenser baskets to account for an extension of the ice weighing surveillance interval from once each 9 months to once each 18 months. The minimum required weight of ice per basket would be increased from 1218 to 1273 pounds. The increased surveillance interval, which is also included in the proposed amendments, would enable the licensee to perform ice weighing coincident with refueling outages and thus eliminate the present need for on-line ice weighing. The licensee is concerned that on-line ice weighing could result in the failure of the ice basket U-bolts which secure the ice baskets to their mounting bracket assemblies. Associated changes to the Bases are also proposed.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments 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.

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

- (1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

Duke Power proposes to modify the Catawba Nuclear Station Unit 1 and Unit 2 TSs to revise Surveillance Requirement 4.6.5.1.b to allow extension of the 9 month ice weighing interval to 18 months. Duke is requesting an extension to allow the ice weighing coincident with the refueling outages. The total ice bed weight and the minimum average ice basket weights are being increased to account for a 15% sublimation rate over the 18 month interval.

The Ice Condenser is provided to absorb the thermal energy release following a LOCA [Loss of Coolant Accident] or steam line break inside Containment and thereby limiting the peak Containment pressure. The current design analysis is based upon a minimum average ice weight of 1109 lbs. per basket. Calculations using past Ice Condenser sublimation data indicate that the total ice bed weight will not fall below that value assumed in the safety analysis.

- (2) Create the possibility of a new or different kind of accident from any previously analyzed.

Duke Power's request for an 18 month ice weighing interval will not result in a new or different kind of accident from that previously analyzed in Catawba's Final Safety Analysis Report. Catawba's Ice Condenser serves to limit the peak pressure inside Containment following a LOCA. Duke Power has evaluated past Ice Condenser sublimation data and has determined that a 15% allowance for sublimation is conservative for an 18 month interval. The proposed TS ice weights derived from the safety analysis weight plus additional allowances of 15% for sublimation and 1.1% for weighing errors will ensure that the ice bed will not decrease below that design basis weight. Therefore, the peak Containment pressure assumed in the safety analysis is still valid.

The structural stability of the Ice Condenser will not be affected by the increased ice weights in the proposed TS. Current ice loading practices result in newly loaded ice baskets well in excess of the TS limits. The existing structural design of the Ice Condenser has sufficient margin to conservatively bound the various loading combinations resulting from maximum ice loading and accident induced loads.

(3) Involve a significant reduction in a margin of safety.

The Ice Condenser is designed to limit the Containment pressure below the design pressure for all reactor coolant pipe break sizes up to and including a double-ended severance. Because the minimum required ice weight assumed in the safety analysis is not being altered, the margin of safety as described in the Peak Containment Pressure Transient is not impacted.

The Ice Condenser also serves as a Containment air purification and cleanup system by absorbing molecular iodine from the containment atmosphere following a LOCA. The required boron concentration (at least 1800 ppm) and pH (9.0 - 9.5) of the stored ice is not affected by this TS change request. Therefore, the air purification aspects of the Ice Condenser remain unchanged by this submittal and the margin of safety is not adversely impacted.

The Commission's staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 10 CFR 50.92 are satisfied. Therefore, on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards to consider.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 19, 1991, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at

the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC 20555 and at the Local Public Document Room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendments involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If a final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western


Union operator should be given Datagram Identification Number 3737 and the following message addressed to David Matthews: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Albert Carr, Duke Power Company, 424 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Untimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated December 19, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 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 11th day of January, 1991.

FOR THE NUCLEAR REGULATORY COMMISSION


Robert E. Martin, Senior Project Manager
Project Directorate
Division of Reactor Projects -
Office of Nuclear Reactor Regulation