

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANY, ET AL.DOCKET NOS. 50-413 AND 50-414NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A 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, et al. (the licensee) for operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

The proposed amendments would change the Updated Final Safety Analysis Report. The Catawba Updated Final Safety Analysis Report (UFSAR), Section 5.2.5, and the Safety Evaluation Report (SER) (NUREG-0954), related to the application for an operating license for Catawba Nuclear Station, Units 1 and 2, Section 5.2.5, "Detection of Leakage Through Reactor Coolant Pressure Boundary," includes a review of the various Catawba reactor coolant leakage detection systems. The operability requirements for the Reactor Coolant Leakage Detection Systems are in Technical Specification 3.4.6.1 that requires that the following combination of systems be operable: (1) the Containment Atmosphere Gaseous Radioactivity Monitoring System (EMF39(L)), (2) the Containment Floor and Equipment Sump Level and Flow Monitoring Subsystems, and (3) either the Containment Atmosphere Particulate Radioactivity Monitoring System (EMF38(L)) or the Containment Ventilation Unit Condensate Drain Tank (VUCDT) Level Monitoring Subsystem.

The FSAR and SER state that EMF38(L) is seismic Category I. A licensee engineering review has determined that documentation does not exist to show that EMF38(L) is designed to withstand a Safe Shutdown Earthquake (SSE). The licensee's review relative to the necessity of seismic qualification for these monitors and analysis, performed pursuant to 10 CFR 50.59, form the basis for a licensee proposal to delete the seismic qualification requirement from the UFSAR. The licensee requests that the NRC approve this change to the UFSAR through an amendment to the operating licenses.

Before issuance of the proposed license amendment, 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 amendment request 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 amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (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 its analysis of the issue of no significant hazards consideration, which is presented below:

This proposed change has been evaluated against the standards in 10 CFR 50.92 and has been determined to involve no significant hazards considerations, in that operation of the facility in accordance with the proposed amendment would not:

1. [I]nvolve a significant increase in the probability or consequences of an accident previously evaluated; or

EMF38(L) is not used directly for any phase of power generation or conversion or transmission, normal decay heat removal, fuel handling, or the processing of radioactive fluids. As such, it is not an "accident initiator". No "accident initiator" is affected by the change to the UFSAR. Thus, the probability of accidents evaluated in Sections 6, 9.1, and 15 of the FSAR is not affected by the change. It is determined that sufficient ability to determine conditions inside containment remain available for any earthquake up to and including the SSE. Furthermore, should it be determined that either EMF38(L) or EMF39(L) are not capable of fulfilling its intended function following any earthquake, including those smaller than the OBE [Operating Basis Earthquake], the associated unit will be taken to Cold Shutdown, a mode for which neither the Emergency Core Cooling System nor the containment safeguards are required. Finally, no equipment provided to mitigate any accident is affected adversely... by the change. For these reasons, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated in the SAR [safety analysis report].

2. [C]reate the possibility of a new or different type of accident from any accident previously evaluated; or

As stated above, no equipment used in direct support of power generation or conversion or transmission, normal decay heat removal, fuel handling, or the processing of radioactive fluids is affected with the update. No new failure modes are identified with the change. The upper bound to an undetected leak in the Reactor Coolant System is a Loss of Coolant Accident [LOCA]. As noted above, no equipment provided to mitigate a LOCA is affected by the change. For these reasons, the change will not create a new or different type of accident from any accident previously evaluated.

3. [I]nvolve a significant reduction in a margin of safety.

It has been determined that sufficient means remain at the disposal to the operators to assess conditions within the containment following any earthquake up to and including the SSE. In particular, the ability to determine leakage with the sensitivity comparable to that of EMF38(L) can be established. This meets the intent of the latter part of Regulatory Position of RG [Regulatory Guide] 1.45. In addition, should it be determined that either EMF38(L) or EMF39(L) is not functional following any earthquake, the associated unit(s) will be brought to Cold Shutdown even if it (they) have remained on line following that earthquake. This brings the unit(s) to a mode in which TS 3.4.6.1 does not apply. It ensures that at least the minimum required Reactor Coolant System leakage detection systems will be functional before power operations are continued following a postulated earthquake smaller than the OBE (cf. Reference 3). It ensures protection of the reactor coolant pressure boundary, one of the fission product barriers. No other fission product barrier is affected by the change. Therefore, the margin of safety is not reduced.

Therefore, based on the information contained in this submittal, it is determined that no significant hazard is associated with the proposed change to the UFSAR.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments requested involve no significant hazards consideration.

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.

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 amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER 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.

Written comments may be submitted by mail to the Rules Review and Directives 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

6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. 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 December 28, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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, NW., Washington, DC, and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina. 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 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 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 amendment

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 amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

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

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 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) 248-5100 (in Missouri 1-(800)

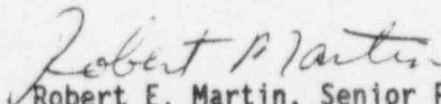
342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Herbert N. Berkow: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this FEDERAL REGISTER notice. A copy 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, 422 South Church Street, Charlotte, North Carolina, attorney for the licensee.

Nontimely 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 presiding 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 amendment dated September 5, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina.

Dated at Rockville, Maryland, this 20th day of November 1995.

FOR THE NUCLEAR REGULATORY COMMISSION


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