

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANY, et alDOCKET NO. 50-413NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-35, issued to Duke Power Company, et al, (the licensee), for operation of the Catawba Nuclear Station, Unit 1 located in York County, South Carolina.

The proposed amendment would extend, on a one-time basis, by a maximum of five months until the first refueling outage (currently scheduled on September 28, 1986) those 18-month Technical Specification (TS) surveillances associated with the Engineered Safety Features (ESF) which can only be conducted with Unit 1 in COLD SHUTDOWN or REFUELING. Normally, since refueling outages occur about every 18-months, extension beyond the 18-month surveillance interval required by the Technical Specifications for the ESF testing is usually not necessary. However, due to the extended length of Unit 1 startup program and cycle 1, the licensee must either request an extension or be forced to shutdown prior to the first refueling outage.

The proposed amendment is in accordance with the licensee's request dated February 12, 1986, as supplemented by letters dated March 3, 4, and 11, 1986. The changes would be accomplished by adding a footnote usually stating that this surveillance need not be performed until prior to entering HOT SHUTDOWN, HOT STANDBY or STARTUP, as applicable, following the Unit 1 first refueling outage.

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The footnote would be added to the Surveillance Requirements included in the following categories:

1. ESF Actuation on Safety Injection

This category includes Surveillance Requirements 4.1.2.2c.; 4.3.1.1, Table 4.3-1, Item 17; 4.3.2.1; 4.3.2.2; 4.5.1.1.1d.; 4.5.2e.; 4.5.3.1; 4.7.3b.1); 4.7.3b.2); 4.7.4b.1); 4.7.4b.2); 4.7.7d.2) and 4.8.1.1.2g.10)

2. Portions of Diesel Generator Testing

This category includes Surveillance Requirements 4.8.1.1.2g.7) and 4.8.1.1.2g.8)

3. Phase A and B Containment Isolation

This category includes Surveillance Requirements 4.6.1.8d.2); 4.6.3.2a.; 4.7.3b.1); 4.6.2c.; 4.6.3.2b.; 4.6.6.2; 4.7.3b.1) and 4.7.4b.1)

4. ESF Actuation on Loss-of-Offsite Power

This category includes Surveillance Requirements 4.7.4b.2); 4.8.1.1.2g.4); 4.8.1.1.2g.6)a); 4.8.1.1.2g.6)b) and 4.8.1.1.2g.9)

The postponement of Surveillance Requirement 4.6.6.2 for the Containment Valve Injection Water System also requires a one-time exemption from the 24 month maximum surveillance interval required by 10 CFR 50, Appendix J, Section III.C.2.(b) regarding Type C local leak rate tests. This exemption to Appendix J is currently under consideration by the NRC staff.

In accordance with the previous Surveillance Requirements integrated tests are conducted to verify the overall ESF capability. The licensee's application considers that the extension requested is justified based on the fact that other periodic surveillances required by the Technical Specifications on individual components such as diesel generators, pumps, valves, fans and circuits will continue to be performed as required. These periodic surveillances ensure that individual components will remain operable.

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.

The following provides an analysis using the standards of 10 CFR 50.92.

- (1) This proposed amendment would not significantly increase the probability or consequences of an accident previously evaluated. The probability of previously evaluated accidents is not affected since the proposed changes will only affect ESF components, thus normal plant operation will not be affected. The consequences of a previously evaluated accident will not be significantly increased since the affected ESF components and circuitry will be tested as required by other applicable Technical Specification Surveillance Requirements. This amendment request would only affect the ESF actuation of ESF components by extending the required surveillance by five months. This increase is not viewed as significant when coupled with the other surveillances conducted on the individual components and circuitry.
- (2) This proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated since the design and operation of the plant will not be affected.

- (3) This proposed amendment would not cause a significant reduction in a margin of safety. The extension of time in which to do the required surveillance would be five additional months beyond that allowed by the Technical Specifications. Coupled with the fact that individual component and circuit tests are conducted on a regular basis as provided in other Technical Specifications, there is no significant reduction in a margin of safety. An increase in safety is gained by the avoidance of an additional cooldown and heatup cycle of the Reactor Coolant System.

Based on the above discussion, the staff proposes to determine that this amendment, which provides an extension of the 18-month surveillance interval for the testing associated with the ESF, does not involve significant hazards considerations.

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 to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, N. W., Washington, D. C.

By _____, 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 interests 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. 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 a 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 aspects(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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. 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 limitation 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 of 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 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 involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment 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 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, D. C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room 1717 H Street, N. W., Washington, D. C., 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 (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following messaged addressed to D. S. Hood: 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 Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Mr. William L. Porter, Duke Power Company, P. O. Box 33189, Charlotte, North Carolina, 28242, attorney for the licensee.

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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 February 12, 1986, and its supplements dated March 3, 4, and 11, 1986 which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., and at the York County Library, 138 East Black Street, Rock Hill, South Carolina, 29730.

Dated at Bethesda, Maryland, this 19 day of *March*

FOR THE NUCLEAR REGULATORY COMMISSION

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