



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

drafted: 4/18/86

Docket Nos.: 50-369, 50-370
and 50-413, 50-414

MEMORANDUM FOR: Victor Stello, Jr.
Executive Director
for Operations

not issued

FROM: Harold R. Denton, Director
Office of Nuclear Reactor Regulation

SUBJECT: BACKFIT DETERMINATION REGARDING THE SAFETY PARAMETER
DISPLAY SYSTEM - MCGUIRE AND CATAWBA NUCLEAR STATIONS,
UNITS 1 AND 2

By letter of March 25, 1986, Duke Power Company requested that certain positions by the NRC staff in its Safety Evaluation Reports for McGuire (February 28, 1986) and Catawba (SSER #5) regarding the Safety Parameter Display System (SPDS) be processed as a plant-specific backfit in accordance with 10 CFR 50.109 and NRC Manual Chapter 0514. Duke also requested that a related License Condition 9(b) in the Catawba, Unit 2, low power license be deleted from the full power license when issued.

Generic Letter 82-33 (Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability") specified not only that five minimum Critical Safety Functions be displayed, but stated that the "minimum information to be provided shall be sufficient to provide information to plant operators about..." those functions (Paragraph 4.1.f). While GL-82-33 permits licensees to select specific parameters through which to display the necessary information, the discretion to select parameters does not relieve licensees from providing "operators with the information necessary for safe reactor operation under normal, transient, and accident conditions" (Paragraph 4.1.c). The staff SERs for McGuire and Catawba clearly demonstrate that Duke has not satisfied the performance standard established by GL-82-33. Examples of Duke's failure to satisfy GL-82-33 include: (1) the complete absence of a Radioactivity Control safety function, and (2) failure to provide sufficient information to plant operators about Reactor Core Cooling and Heat Removal from the Primary System, and Containment Conditions, two of the other required Critical Safety Functions. Furthermore, while GL-82-33 permits licensees to select specific parameters for display, Duke displays no specific parameters on its SPDS. GL-82-33 was issued to all licensees and applicants on December 17, 1982, nearly three years prior to the effective date of the backfit rule.

The positions taken in the staff SERs were communicated directly to Duke on several occasions. The staff made the Industry aware of its position as early as 1982 in a meeting with the NUTAC group which included representatives from Duke Power Company. In September 1983, the staff provided similar comments and a draft of the staff position, which was subsequently issued on December 26,

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1984, as Section 18.2 of the NRC's Standard Review Plan, to an INPO-NUTAC committee (including a Duke representative). It should also be noted that prior to November 1984, the staff issued SPDS SERs for other plants consistent with those issued for McGuire and Catawba. Therefore, Duke was aware of the NRC staff positions prior to the implementation of the McGuire/Catawba SPDS.

Since the pertinent staff positions were available, first in December 1982, and in a more detailed form in December 1984, your argument that the February 1986 SERs are untimely responses to your submittal of a description of the McGuire/Catawba SPDS in March 1984, and implementation of the McGuire SPDS and Catawba SPDS in November 1984 and April 1, 1985, respectively, is unavailing. As the staff positions were set forward during the pertinent time frame, 1982-1984, and not February 1986, any reliance on the last paragraph of the Appendix NRC Manual Chapter 0514 to base a claim to tacit approval is unfounded. In fact, the staff SERs stated that the licensee's SPDS does not fully meet the applicable requirements of Supplement 1 to NUREG-0737 and concluded that it was only acceptable to implement the SPDS on an interim basis.

In view of the above, the staff positions which you challenged were taken long before the backfit rule became effective and, therefore, do not fall within the scope of the rule. As a result the staff positions do not qualify as backfits to which 10 CFR 50.109(b) applies and License Condition 9(b) for Catawba Unit 2 has not been deleted from the full power license. Accordingly, your request is denied. However, as you are aware, you have the option to formally appeal the technical basis for the staff's position on this matter.

Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

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Harold R. Denton, Director
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Harold R. Denton, Director
Office of Nuclear Reactor Regulation

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Harold R. Denton, Director
Office of Nuclear Reactor Regulation

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PWR#4/DPWR-A	PWR#4/DPWR-A	PWR#4/DPWR-A	EISCB	AD/DPWR-A
*DHood/rad	*MDuncan	*BJYoungblood	*FRosa	*ERossi
04/18/86	04/18/86	04/18/86	04/18/86	04/18/86
05/03/86				
OELD	DD/DPWR-A	D/NRR		
*Johnson	TNovak	HDenton		
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Victor Stello, Jr.

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In view of the above, the staff positions challenged by Duke were taken long before the backfit rule became effective and, therefore, do not fall within the scope of the rule. As a result, the staff positions do not qualify as backfits under 10 CFR 50.109, and License Condition 9(b) for Catawba Unit 2 should not be deleted from the full power license. Accordingly, we propose to deny Duke's request.

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

cc: H. Thompson

Contact: D. Hood, x28060

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In. de. ci. to's
Comments
incorporated
DSH
6/3/86

Attn: President for Breakfast

Call for a determination to
be made within 5 ^{working} days of
request receipt (march 26 - 5 p.m.
April 2) and for

Order to inform Hells and
3 weeks (march 26 - 5 p.m.
April 18) - Please see
and let a further update
of the situation

Paul Horn
28060

Staff Procedure for Backlogs

Call for a determination to
be made within 5 ^{working} days of
request receipt (month 26 + 5 =
month April 2) and for

Denton to inform Stille within
3 weeks (month 26 + 3 weeks =
month April 18). Therefore we
are late on behind schedule.

Please expedite

Paul Hood
28060



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

undated

Docket No. 50-400

Mr. E. E. Utley, Senior Executive
Vice President
Power Supply and Engineering
and Construction
Carolina Power and Light Company
Post Office Box 1551
Raleigh, North Carolina 27602

Dear Mr. Utley:

Subject: Shearon Harris Backfit Considerations

In your submittals dated February 6, 1986, Serial Nos. NLS-86-054 and NLS-86-055, you stated that you consider two design changes to be plant specific backfits in accordance with 10 CFR 50.109. Your staff most recently discussed these issues in a meeting with NRR personnel on May 2, 1986. We have considered your written positions and the subsequent Technical discussion and provide our comments below.

Letter dated February 6, 1986, Serial No. NLS-86-054 states that the proposed Technical Specification in Section 3.7.1.3 of the "Proof and Review" Technical Specification for Shearon Harris Unit 1, forwarded to you by letter dated January 30, 1986, would limit the operation of the eight-inch containment purge and exhaust valves to less than one thousand hours per calendar year. You state that to meet the one thousand hour proposed limit would require design modifications and revisions to operating procedures and requested that the NRC staff review this requirement as a plant specific backfit in accordance with 10 CFR 50.109.

In regard to the backfit aspects of the issue, Carolina Power and Light Company tendered an application for an Operating License for Shearon Harris Unit 1 by letter dated June 26, 1980. Docketing occurred on December 22, 1981. The staff has been requiring restrictions on containment purging during operation as of 1975. The second paragraph on page 6.2.4-11 of Branch Technical Position CSB 6-4, Revision 1, "Containment Purging During Normal Plant Operations" dated 1975, states that plant designs should not rely on the use of containment purge on a routine basis. Furthermore, page 6.2.4-12 of the above cited Branch Technical Position states "Purge system designs that are acceptable for use on non-routine basis during normal plant operation can be achieved by providing additional purge and vent lines." Revision 4 to the "Westinghouse Standard Technical Specifications for Pressurized Water Reactors" dated September 28, 1981, reaffirmed the staff's use of a limit on containment purging during normal operation. Moreover, recently licensed plants such as Catawba 2, River Bend, and Diablo Canyon, Unit 2 have purging limits of 2000 hours, 1000 hours and 200 hours per calendar year, respectively.

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Implementation of this requirement is widespread and well known. The staff has identified its concern on containment purging as far back as 1975 which predates your docketing date of December 22, 1981 and thus would not be characterized as a backfit in accordance with 10 CFR 50.109. Therefore, we deny your request for backfit status.

However, we believe there is technical merit to the concern that you raised on the containment purging limit and that continuing our discussions during the "Proof and Review" phase of the Shearon Harris Technical Specifications review is warranted.

In regard to the "backfit" aspects of the second issue, your letter of February 6, 1986, Serial No. NLS-86-055, responded to the staff letter of January 21, 1986, which provided our evaluation of your conformance with Regulatory Guide 1.97 Revision 2 dated December 1980. We stated in that letter that we would require, by first refueling outage, that either the accumulator pressure or level instrumentation be environmentally qualified. Your letter of February 6, 1986 states that you consider this design change to be a plant specific backfit as discussed in 10 CFR 50.109.

Regulatory Guide 1.97, Revision 2 was issued in December 1980 which is approximately one year prior to the docketing of your operating license application i.e., December 22, 1981. Regulatory Guide 1.97, Revision 2 is applicable to all nuclear power plants and is cited as a guide in 10 CFR 50.49. We do not believe that this requirement is a backfit in accordance with 10 CFR 50.109. Therefore, your request is denied. However, in our May 2, 1986 meeting, your staff discussed the technical basis as to why neither the accumulator level or pressure instrumentation were required during the post-accident phase. Your rationale was that the accumulators are a passive system and the level and pressure variables are monitored as required by the Technical Specifications during normal operation to maintain the accumulators in an "as-ready" condition. Safety grade isolation valve position indication is provided, power to the valves is locked out at the circuit breakers and no immediate operator action is required until power is restored to the isolation valve. Furthermore, the emergency response facilities information system computer would record the accumulator pressure and level variables during and following an accident thus providing data which would indicate whether or not the accumulators performed their design function. As you are aware, you have the option to formally appeal the technical basis for the staff's position on this matter.

Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

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