

October 20, 2003

Gary R. Peterson
Vice President
Catawba Nuclear Station
Duke Power
CN01VP / 4800 Concord Rd.
York, SC 29745

SUBJECT: CATAWBA NUCLEAR STATION UNIT 1 - PUBLIC NOTICE OF APPLICATION
FOR AMENDMENT TO FACILITY OPERATING LICENSE (TAC NO. MC1021)

Dear Mr. Peterson:

The enclosed announcement was forwarded to the *Charlotte Observer* and *The Herald* newspapers for publication. This announcement relates to your application dated October 15, 2003, for amendment to Facility Operating License No. NPF-35. The proposed amendment would modify the Technical Specifications to allow the continued operation of Catawba Unit 1 with only one fully operable train of the Containment Spray System until midnight on November 9, 2003.

Sincerely,

/RA/

Sean Peters, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-413

Enclosure: Public Notice

cc w/encl: See next page

PUBLIC NOTICE

NRC STAFF PROPOSES TO AMEND OPERATING LICENSE AT THE
CATAWBA NUCLEAR STATION UNIT 1

The U.S. Nuclear Regulatory Commission (NRC) staff has received an application dated October 15, 2003, from Duke Energy Corporation, for an exigent amendment to the operating license for the Catawba Nuclear Station Unit 1, located in York County, South Carolina, approximately 6 miles north of Rock Hill, South Carolina.

The proposed amendment would modify the Technical Specifications to allow the continued operation of Catawba Unit 1 with only one fully operable train of the Containment Spray System until midnight on November 9, 2003. However, the amendment would also require the other train of the Containment Spray System to be capable of performing its accident mitigation function under nonseismic conditions. Presently, the Train 1B Containment Spray System heat exchanger is not fully operable because of tube support baffle plate degradation. This degradation has led to the inability of the heat exchanger to maintain seismic qualification. Aside from the seismic qualification issue, Duke Energy Corporation has determined that the heat exchanger is fully functional and is capable of performing its accident mitigation function. Duke Energy Corporation plans to replace this heat exchanger during its next scheduled refueling outage.

The licensee requested that the NRC issue this amendment on an exigent basis because the condition was not created by their failure to take timely action. The licensee discovered the degradation on October 6, 2003, when installing inspection ports on the shell side of the heat exchanger. Catawba Unit 1 is currently operating under a Notice of Enforcement Discretion that was verbally granted by the NRC on October 8, 2003. This notice will expire on October 22, 2003 at 9:25 p.m.

The licensee and the NRC staff have evaluated this proposed change with regard to the determination of whether or not a significant hazards consideration is involved. Operation of Catawba Nuclear Station Unit 1 in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. The probability will not increase because the Containment Spray System is not considered accident-initiating equipment and because no physical changes are being made to the plant that would impact accident probabilities. Furthermore, the amendment will not significantly increase the consequences of an accident because it does not significantly impact the availability or reliability of the Containment Spray System trains.

The proposed amendment will not create the possibility of a new or different kind of accident from any previously analyzed because no changes are being made to the plant that will introduce any new accident causal mechanisms.

The proposed amendment will not involve a significant reduction in a margin of safety because the 1B Containment Spray System heat exchanger will remain capable of performing its accident mitigation function during nonseismic events.

Following an initial review of this application, the requested amendment has been evaluated against the standards in Title 10 of the *Code of Federal Regulations*, Section 50.92 and the NRC staff has made a proposed (preliminary) determination that the requested amendment involves no significant hazards considerations. The changes do not significantly increase the probability or consequences of any accident previously considered, nor create the possibility of an accident of a different kind, nor significantly decrease any margin of safety.

If the proposed determination that the requested license amendment involves no significant hazards consideration becomes final, the NRC staff will issue the amendments without first offering an opportunity for a public hearing. An opportunity for a hearing will be

published in the *Federal Register* at a later date and any hearing request will not delay the effective date of the amendment.

If the staff decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the *Federal Register* and, if a hearing is granted, it will be held before the amendment is issued.

Comments on the proposed determination of no significant hazards consideration may be (1) telephoned to John Nakoski, Chief, Section 1, Project Directorate II, by collect call to (301) 415-1068 or by facsimile to (301) 415-1222; (2) e-mailed to jan1@nrc.gov; or (3) submitted in writing to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. All comments received by close of business on October 21, 2003, from 7:30 a.m. to 4:15 p.m. Federal workdays will be considered in reaching a final determination. A copy of the application may be examined electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html> and at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr@nrc.gov.

October 20, 2003

Gary R. Peterson
Vice President
Catawba Nuclear Station
Duke Power
CN01VP / 4800 Concord Rd.
York, SC 29745

SUBJECT: CATAWBA NUCLEAR STATION UNIT 1 - PUBLIC NOTICE OF APPLICATION
FOR AMENDMENT TO FACILITY OPERATING LICENSE (TAC NO. MC1021)

Dear Mr. Peterson:

The enclosed announcement was forwarded to the *Charlotte Observer* and *The Herald* newspapers for publication. This announcement relates to your application dated October 15, 2003, for amendment to Facility Operating License No. NPF-35. The proposed amendment would modify the Technical Specifications to allow the continued operation of Catawba Unit 1 with only one fully operable train of the Containment Spray System until midnight on November 9, 2003.

Sincerely,

/RA/

Sean Peters, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-413

Enclosure: Public Notice

cc w/encl: See next page

DISTRIBUTION:

PUBLIC CHawes PDII-1 R/F Speters GHill (4)
RHaag,RII CGratton EHackett JNakoski RMartin

G:/PD II-1/Catawba/Exigent Local Proposed.wpd

ADAMS ACCESSION NO: ML032930215

OFFICE	PDII-1/PM	PDII-1/LA	PDII-1/SC
NAME	SPeters	EDunnington for CHawes	CGratton for JNakoski
DATE	10/17/2003	10/17/2003	10/17/2003

OFFICIAL RECORD COPY

Catawba Nuclear Station

cc:

Mr. Gary Gilbert
Regulatory Compliance Manager
Duke Energy Corporation
4800 Concord Road
York, South Carolina 29745

Ms. Lisa F. Vaughn
Duke Energy Corporation
Mail Code - PB05E
422 South Church Street
P.O. Box 1244
Charlotte, North Carolina 28201-1244

Anne Cottingham, Esquire
Winston and Strawn
1400 L Street, NW
Washington, DC 20005

North Carolina Municipal Power
Agency Number 1
1427 Meadowood Boulevard
P. O. Box 29513
Raleigh, North Carolina 27626

County Manager of York County
York County Courthouse
York, South Carolina 29745

Piedmont Municipal Power Agency
121 Village Drive
Greer, South Carolina 29651

Ms. Karen E. Long
Assistant Attorney General
North Carolina Department of Justice
P. O. Box 629
Raleigh, North Carolina 27602

NCEM REP Program Manager
4713 Mail Service Center
Raleigh, NC 27699-4713

Mr. T. Richard Puryear
North Carolina Electric Membership
Corporation
P. O. Box 27306
Raleigh, North Carolina 27611

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
4830 Concord Road
York, South Carolina 29745

Henry Porter, Assistant Director
Division of Waste Management
Bureau of Land and Waste Management
Department of Health and Environmental
Control
2600 Bull Street
Columbia, South Carolina 29201-1708

Mr. C. Jeffrey Thomas
Manager - Nuclear Regulatory
Licensing
Duke Energy Corporation
526 South Church Street
Charlotte, North Carolina 28201-1006

Saluda River Electric
P. O. Box 929
Laurens, South Carolina 29360

Mr. Peter R. Harden, IV
VP-Customer Relations and Sales
Westinghouse Electric Company
6000 Fairview Road
12th Floor
Charlotte, North Carolina 28210

Catawba Nuclear Station

cc:

Owners Group (NCEMC)
Duke Energy Corporation
4800 Concord Road
York, South Carolina 29745

Richard M. Fry, Director
Division of Radiation Protection
North Carolina Department of
Environment, Health, and
Natural Resources
3825 Barrett Drive
Raleigh, North Carolina 27609-7721