

**DUKE POWER COMPANY**

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HAL B. TUCKER  
VICE PRESIDENT  
NUCLEAR PRODUCTION

TELEPHONE  
(704) 373-4531

July 13, 1984

Mr. Harold R. Denton, Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Re: Catawba Nuclear Station, Unit 1  
Docket No. 50-413

Subject: Applicants' Application for Partial  
Exemption from GDC 16, GDC 38, and GDC 50

Dear Mr. Denton:

Pursuant to 10 CFR §50.12, Duke Power company, et al. (Applicants) hereby request an exemption from the requirement of 10 CFR Part 50, Appendix A, General Design Criteria (GDC) 16, 38, 3, and 50, as such relates to fuel load and pre-critical testing activities.

In a July 2, 1984 letter to Mr. James P. O'Reilly Applicants noted that certain items related to the completion and testing of the Ice Condenser would not be complete at the time of fuel loading. It was further noted that these items would be complete prior to Reactor Coolant System temperatures exceeding 200°F (Mode 4) as required by the proposed Technical Specifications for this unit. As the Technical Specifications have historically recognized this type of pressure suppression system is not required to be operable when there is insufficient stored energy in the Reactor Cooling System to challenge containment integrity. Furthermore, the time period in question relates to a period in which Catawba will have no fission product inventory, and thus the radiological consequences of any containment failure due to design basis accidents would be non-existent.

As previously stated, Applicants will comply with the proposed Technical Specifications. Therefore, this situation is identical to modes of operation that would have been permitted were the license to be issued with the Ice Condenser fully operable and subsequently removed from service. Thus, Applicants meet the test expounded in Shoreham that the proposed operation would be as safe as that had the licensee fully complied with the regulations. This position should apply generally to all situations that may arise where the Applicant will place systems into service as required by the Technical Specifications. Furthermore, although Applicants are submitting the present exemption request, it is Applicant's position that this particular set of circumstances should not warrant an exemption request in the future.

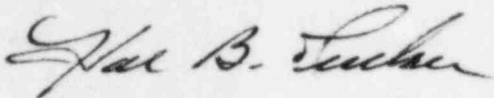
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By letters dated June 20, and June 28, 1984 Applicants requested a partial exemption from GDC 17 in order to permit the diesel generators for Unit 1 to be inoperable until initial criticality. It is considered that the information regarding exigent circumstances supporting that request also encompass the situation presented in this application. Therefore, Applicants hereby request that the Commission issue an exemption to GDC 16, GDC 38, and GDC 50 that would allow the above referenced item to be completed prior to Mode 4 entry.

Very truly yours,



Hal B. Tucker

NAR/slb

cc: Mr. James P. O'Reilly, Regional Administrator  
U. S. Nuclear Regulatory Commission  
Region II  
101 Marietta Street, NW, Suite 2900  
Atlanta, Georgia 30323

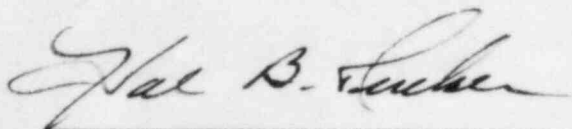
NRC Resident Inspector  
Catawba Nuclear Station

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Columbia, South Carolina 29205

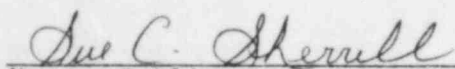
Mr. Jesse L. Riley  
Carolina Environmental Study Group  
854 Henley Place  
Charlotte, North Carolina 28207

HAL B. Tucker, being duly sworn, states that he is Vice President of Duke Power Company; that he is authorized on the part of said Company to sign and file with the Nuclear Regulatory Commission this application; and that all statements and matters set forth therein are true and correct to the best of his knowledge.



Hal B. Tucker, Vice President

Subscribed and sworn to before me this 13th day of July, 1984.



Notary Public

My Commission Expires:

