

SEP 13 1983

Docket Nos. 50-369  
and 50-370

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Docket No. 50-369/50-370  
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Mr. H. B. Tucker, Vice President  
Nuclear Production Department  
Duke Power Company  
422 South Church Street  
Charlotte, North Carolina 28242

Dear Mr. Tucker:

Subject: Issuance of Proposed No Significant Hazards Consideration  
Determinations

Enclosed for your information is a copy of the "Notice of Consideration of Issuance of Amendments to Facility Operating License and Proposed No Significant Hazards Consideration Determinations and Opportunity for Hearing" related to your submittal of August 1, 1983. The proposed amendments relate to diesel generator surveillance testing and cycling of certain turbine valves in the Turbine Overspeed Protection System. This Notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,



Elinor G. Adensam, Chief  
Licensing Branch No. 4  
Division of Licensing

Enclosure:  
F. R. Notice

cc w/encl:  
See next page

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PDR

McGuire

Mr. H. B. Tucker, Vice President  
Nuclear Production Department  
Duke Power Company  
422 South Church Street  
Charlotte, North Carolina 28242

cc: Mr. A. Carr  
Duke Power Company  
P.O. Box 33189  
422 South Church Street  
Charlotte, North Carolina 28242

Dayne H. Brown, Chief  
Radiation Protection Branch  
Division of Facility Services  
Department of Human Resources  
P. O. Box 12200  
Raleigh, North Carolina 27605

Mr. F. J. Twogood  
Power Systems Division  
Westinghouse Electric Corp.  
P.O. Box 355  
Pittsburgh, Pennsylvania 15230

Mr. G. A. Copp  
Duke Power Company  
Nuclear Production Department  
P.O. Box 33189  
Charlotte, North Carolina 28242

J. Michael McGarry, III, Esq.  
Debevoise & Liberman  
1200 Seventeenth Street, N.W.  
Washington, D. C. 20036

Mr. Wm. Orders  
Senior Resident Inspector  
c/o U.S. Nuclear Regulatory Commission  
Route 4, Box 529  
Hunterville, North Carolina 28078

James P. O'Reilly, Regional Administrator  
U.S. Nuclear Regulatory Commission,  
Region II  
101 Marietta Street, Suite 3100  
Atlanta, Georgia 30303

R. S. Howard  
Operating Plants Projects  
Regional Manager  
Westinghouse Electric Corporation - R&D 701  
P.O. Box 2728  
Pittsburgh, Pennsylvania 15230

UNITED STATES NUCLEAR REGULATORY COMMISSION

DUKE POWER COMPANY

DOCKET NOS. 50-369 AND 50-370

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO  
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATIONS AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina. These amendments were requested by the licensee in a letter dated August 1, 1983.

One amendment would change Technical Specification 4.3.1.1.2.d. to permit certain diesel generator surveillance testing during each shutdown for refueling rather than during shutdown at least once each 18 + 25% (22½) months. The change would allow a diesel generator surveillance test on Unit 1 that currently is required by October 27, 1983, to be delayed until the refueling outage scheduled for January 1984 and future tests on both units to be scheduled on a refueling-outage rather than on a calendar-months basis.

A second amendment would change Technical Specification 4.3.4.2.a to permit the cycling of certain turbine valves in the Turbine Overspeed Protection System on a monthly rather than on a weekly basis, consistent with the recommendations of the turbine manufacturer.

Before issuance of the proposed license amendments, 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 requests involve 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 amendments 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.

Because the increase in diesel generator surveillance test intervals under the amended technical specification will be small compared to the allowed interval under the current technical specification, the proposed amendment to Technical Specification 4.8.1.1.2.d. does not involve a significant increase in the probability of an accident previously evaluated or a significant reduction in a margin of safety. Because no changes in operating conditions will result from the increase in the surveillance test interval, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. Because no changes in any accident analyses will result from the increase in the surveillance test interval, the proposed amendment does not involve any increase in the consequences of an accident previously evaluated.

That no failures to function have occurred during previous surveillance testing of turbine valves on Units 1 and 2 provides confidence that the proposed increase in the surveillance test interval in Technical Specification 4.3.4.2.a. does not involve a significant increase in the probability or consequences of an accident previously evaluated or a significant reduction in a margin of safety. Because no changes in operating conditions or accident analyses will result from the increase in the surveillance test interval, the proposed amendment does not create

the possibility of a new or different kind of accident from any accident previously evaluated. Because no changes in any accident analyses will result from the increase in the surveillance test interval, the proposed amendment does not involve any increase in the consequences of an accident previously evaluated. On these bases, the NRC staff proposed to determine that these amendments do not involve significant hazards considerations.

The Commission is seeking public comments on these proposed determinations. 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.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By **10 OCT 17 1983**, the licensee may file a request for a hearing with respect to issuance of the amendments 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 petition for leave to intervene. Requests for hearings 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 requests for hearings or petitions for leave to intervene are 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 requests and/or petitions 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 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 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 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 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 message addressed to Elinor G. Adensam: 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. Albert Carr, Duke Power Company, P. O. Box 33189, 422 South Church Street, Charlotte, North Carolina 28242, 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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be 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 amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242.

Dated at Bethesda, Maryland, this 9<sup>th</sup> day of September 1983.

FOR THE NUCLEAR REGULATORY COMMISSION



Elinor G. Adensam  
Licensing Branch No. 4  
Division of Licensing