

December 23, 1983

Docket Nos: 50-369
and 50-370

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

DISTRIBUTION:

Docket Nos: 50-369/370
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Attorney, ELD
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DLJordan
ACRS (16)
NLauben

Dear Mr. Tucker:

Subject: Operation With Inoperable UHI
(McGuire Nuclear Station, Units 1 and 2)

Your letter dated August 2, 1983, contained a proposed amendment to the Technical Specifications for the McGuire Nuclear Station that would allow operation at less than or equal to 46% rated thermal power with the Upper Head Injection Accumulator System (UHI) inoperable. In support of your request and in conformance with the requirements of 10 CFR 50.91, you provided the results of your analysis of significant hazards consideration.

Based on our evaluation of your significant hazards consideration, we do not agree that the proposed amendment would not create the possibility of a new or different type of accident from any accident previously evaluated. Indeed our evaluation of the McGuire FSAR accident analysis was exclusively based on the availability of UHI during the accident. Your proposal to allow operation of McGuire, albeit at 46% or less, with the UHI inoperable, introduces an accident scenario not previously evaluated. We conclude that the proposed amendment does involve a significant hazards consideration. We are, therefore, issuing a notice (copy attached) of opportunity for prior hearing.

Sincerely,

/S/

Thomas M. Novak, Assistant Director
for Licensing
Division of Licensing

Enclosure:
As stated.

cc: See next page

DL:LB #4 LA:DL:LB #4
RBirkel/hmc MDuncan
12/15/83 12/15/83

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12/15/83

AD:DL
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McGuire

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cc: Mr. A. Carr
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UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-369 AND 50-370NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTSTO FACILITY OPERATING LICENSES ANDOPPORTUNITY FOR PRIOR HEARING

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License No. NPF-9 and Facility Operating License No. 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.

The amendments would change Technical Specification 3.5.1.2. to allow operation at less than or equal to 46% Rated Thermal Power with the Upper Head Injection Accumulator System inoperable. The system performs no function during normal operation but serves to mitigate accidents after they occur. The change would provide operating flexibility but would not result in exceeding operating limits established by 10 CFR 50.46. These amendments were requested in the licensee's application for amendments dated August 2, 1983.

Prior to 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.

By _____, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for

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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 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 amendments 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.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States 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 or representative for 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 dated August 2, 1983, 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 23rd day of December 1983.

FOR THE NUCLEAR REGULATORY COMMISSION



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