

December 14, 1983

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Docket Nos. 50-369/370

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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

Dear Mr. Tucker:

Subject: Denial of Amendments to Facility Operating Licenses

Enclosed for your information is a copy of a "Notice of Denial of Amendments to Facility Operating Licenses and Opportunity for Hearing" related to your request to modify the diesel generator surveillance testing frequency dated August 1, 1983. The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/S/

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

Enclosure:
As stated

cc w/encl:
See next page

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DL:LB¹³ #4
RBirkel
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DL:LB #4
EAdensam
12/13/83

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
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P. O. Box 33189
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UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-369 AND 50-370NOTICE OF DENIAL OF AMENDMENTS TOFACILITY OPERATING LICENSESAND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) has received a request dated August 1, 1983, for 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. The letter was supplemented by letter dated September 7, 1983.

One of the requests contained in the letter of August 1, 1983, 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 $18 + 25\%$ ($22\frac{1}{2}$) months.

The Commission has granted this request in part by extending the period on a one time basis to permit diesel generator surveillance testing on Unit 1, currently required to be performed by October 27, 1983, to be delayed until the refueling outage scheduled for January 1984 (48 FR 52845). However, the Commission has otherwise denied the request to modify the diesel generator surveillance testing frequency. The reasons for this denial are set forth in the Commission's Safety Evaluation Report dated October 26, 1983.

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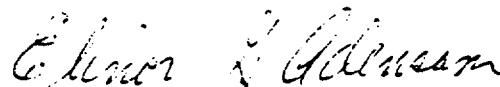
By **JAN** 6 1984 , the licensee may file a request for a hearing with respect to denial of the amendments to the subject facility operating licenses and any person whose interest may be affected by this denial and who wishes to participate as a party in the proceeding must file a written petition for 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.

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 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 Data-gram 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.

For further details with respect to this action, see: (1) the application for amendments dated August 1, 1983, and supplemented September 7, 1983, and (2) the Safety Evaluation dated October 26, 1983, which accompanied Amendment No. 26 to Facility Operating License No. NPF-9 and Amendment No. 7 to Facility Operating License No. NPF-17, which are 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 1st day of December 1983.

FOR THE NUCLEAR REGULATORY COMMISSION



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