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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
Determination

Enclosed for your information is a copy of the "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" related to your submittal of November 18, 1983. The proposed amendments would change the Technical Specifications to reduce the reactor coolant system flow rate for Unit 2. The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

ES

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

Enclosure:
As stated

cc w/encl:
See next page

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McGuire

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UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-369 AND 50-370NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION 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.

The amendments would (1) reduce by 2% the reactor coolant system (RCS) flow rate required for operation of McGuire Unit 2 at 100% power and revise the limits for safety systems setting to accommodate the RCS flow reduction and (2) provide for a 1% reduction in power for each 1% reduction in the measured RCS flow below the flow requirement for 100% power for McGuire Unit 2.

The operation of McGuire Unit 2 at 90% power, as a part of the unit power ascension program, has identified a low reactor coolant flow condition that, pursuant to the existing technical specification requirement, prevents the unit from operating above 90% power. The first part of the amendment which reduces reactor coolant system flow would not affect the probability of accidents previously evaluated nor create the possibility of a new or different kind of accident; however, lower RCS flow can have some effect on the consequences of accidents previously evaluated. The effects of lower RCS flow have been evaluated for the accidents discussed in the Final Safety Analysis Report (FSAR), Chapter 15. This evaluation shows that adequate thermal margin to Departure from Nucleate Boiling Ratio (DNBR) would be maintained (i.e. DNBR greater than 1.30).

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Non-DNB-limited transients were also evaluated and the results were determined to be within their respective limits. Therefore, operation under this aspect of the proposed amendments would not involve a significant increase in the consequences of accidents previously evaluated. Similarly, because the evaluation showed that the original analysis results are valid for the DNB-limited transients, the safety margins inherent in the DNBR limit of 1.30 (based on the W-3 correlation) are unaffected. Also, the non-DNB-limited transients remain within their respective limits. Therefore, this aspect of the proposed amendments does not involve a significant reduction in a safety margin. This is in response to the licensee's application for amendments dated November 18, 1983.

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 request involves 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 amendment 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.

The Commission has provided examples of amendments likely to involve no significant hazards considerations (48 FR 14870). One example of actions likely to involve no significant hazards considerations is an amendment which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce a safety margin, but where the results of the change are

clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. Because the evaluation previously discussed shows that the DNB limit of 1.30 is met (Re: Standard Review Plan Section 4.4, Acceptance Criterion 1) and other design-basis transients would remain within their respective limits, the above example can be applied to this situation.

The second part of the amendment involves a requirement to reduce power by 1% for each 1% reduction in RCS flow below the minimum flow required for 100% power. Thermal-hydraulic sensitivity studies have shown that this power/flow tradeoff is conservative with respect to DNB margin. Therefore, this aspect of the amendment would not: (1) involve a significant increase in the probability or consequences of an accident, (2) create the possibility of a new or different kind of an accident, and (3) involve a significant reduction in a safety margin.

The Commission is seeking public comments on this proposed determination. 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 **FEB 3 1984**, 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. Request for a hearing 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 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 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.

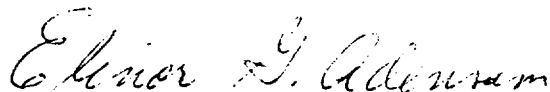
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, 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 27th day of December 1983.

FOR THE NUCLEAR REGULATORY COMMISSION



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