

April 15, 1988

Docket Nos. 50-369/370

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

Dear Mr. Tucker:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS (TACS 56472/56473)

Enclosed for your information is a copy of a "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Hearing" related to your January 27, 1988, request for amendments to the operating licenses for the McGuire Nuclear Station, Units 1 and 2 regarding groundwater level.

You requested that NRC review and approve the proposed revision in an exigent manner pursuant to 10 CFR 50.91(a)(2)(6). However, you have not provided the prerequisite information required by 10 CFR 50.91(a)(6)(i)(B)(vi). Although your request will receive appropriate priority, we find insufficient basis to shorten the normal period for public comment on the Federal Register notice and your request for exigency treatment is denied.

The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

Darl S. Hood, Project Manager
Project Directorate II-3
Division of Reactor Projects-I/II

Enclosure:
As stated

cc w/enclosure:
See next page

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Docket File	GLainas	McGuire R/F	GPA/PA
NRC PDR	MRood	OGC-WF	
Local PDR	DHood	DHagan	
SVarga	PDII-3 R/F	ACRS (10)	
LA: PDII-3 <i>DSL/bm</i>	PM: PDII-3 <i>DSL</i>	PDII-3 <i>ML</i>	
MRood:pw	DHood	Acting PD	
3/30/88	3/30/88	4/16/88	

4/15/88 B. H. Hood

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Mr. H. B. Tucker
Duke Power Company

McGuire Nuclear Station

cc:

Mr. A.V. Carr, Esq.
Duke Power Company
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422 South Church Street
Charlotte, North Carolina 28242

Dr. John M. Barry
Department of Environmental Health
Mecklenburg County
1200 Blythe Boulevard
Charlotte, North Carolina 28203

County Manager of Mecklenburg County
720 East Fourth Street
Charlotte, North Carolina 28202

Mr. Dayne H. Brown, Chief
Radiation Protection Branch
Division of Facility Services
Department of Human Resources
701 Barbour Drive
Raleigh, North Carolina 27603-2008

Mr. Robert Gill
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Nuclear Production Department
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Senior Resident Inspector
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Huntersville, North Carolina 28078

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission,
101 Marietta Street, N.W., Suite 2900
Atlanta, Georgia 30323

S. S. Kilborn
Area Manager, Mid-South Area
ESSD Projects
Westinghouse Electric Corporation
MNC West Tower - Bay 239
P. O. Box 355
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 LICENSES AND
OPPORTUNITY FOR HEARING

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses 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 revise Technical Specification (TS) 3/4.7.13 "Groundwater Level" and referenced Table 3.7-7 "Groundwater Level Monitors." TS 3.7.13 presently requires that groundwater level be maintained at specified levels as determined from eleven interior and exterior groundwater level monitors situated in or near the Reactor Buildings, the Auxiliary Building and the Diesel Generator Buildings. The proposed change would delete the groundwater monitors for the Reactor Buildings and the Diesel Generator Buildings, leaving only the five monitors for the Auxiliary Building. The change would introduce a revised groundwater level control strategy based upon a single alarm level (731 feet MSL) for the Auxiliary Building monitors, and would change the unit shutdown requirement from one alarmed monitor to three alarmed monitors out of a total of five for the Auxiliary Building. The licensee states that Duke Design Engineering has performed analyses which show that the Reactor Buildings and Diesel Generator Buildings can withstand a groundwater elevation corresponding to plant grade, 760 feet MSL (which is also the full pond level for Lake Norman)

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and that, therefore, it is not necessary to continue monitoring the groundwater levels at lower elevations for these buildings. Elevation 737 feet MSL was calculated to be the maximum level that groundwater could rise before overturning due to buoyancy would begin for the Auxiliary Building. To avoid reaching this level, the proposed TS would require that if groundwater level exceeds elevation 731 feet MSL as indicated by 3 of 5 monitor alarms, and cannot be reduced in one hour, the McGuire Station (both units) must be in at least hot standby within 6 hours, and hot shutdown within the next 6 hours, and cold shutdown within the following 30 hours. The associated surveillance requirements would be changed to require that (1) the groundwater level be demonstrated each shift to be below elevation 731 feet MSL and (2) the groundwater level monitor instrument/loop for the specified locations be demonstrated operable annually by loop calibration or operational test.

This notice supersedes the related previous notice in 50 FR 38914 dated September 25, 1985.

By May 23, 1988 , 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 request for hearing and a 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 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 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.

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 required that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Lawrence P. Crocker, Acting Director, Project Directorate II-3; (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 Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

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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 presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated January 27, 1988, 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 28223.

Dated at Rockville, Maryland, this 15th day of April 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:

Lawrence P. Crocker, Acting Project Director
Project Directorate II-3
Division of Reactor Projects - I/II

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Lawrence P. Crocker
PDII3/DRP-I/II
Acting PD

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