

April 28, 1989

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: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS (TACS 64744/64745)

Enclosed for your information is a copy of a "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 February 17, 1987, request for amendments to Facility Operating Licenses NPF-9 and NPF-17 for the McGuire Nuclear Station, Units 1 and 2. The proposed amendments would make administrative, editorial or other minor changes to the Technical Specifications.

Sincerely,

151

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

Enclosure:
As stated

cc w/encl:
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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Sincerely,

A handwritten signature in black ink, appearing to read "Darl S. Hood".

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

Enclosure:
As stated

cc w/encl:
See next page

Mr. H. B. Tucker
Duke Power Company

McGuire Nuclear Station

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-369 AND 50-370

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR 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 proposed amendments would make editorial, administrative or other minor changes to add clarification, consistency and conciseness to the following plant Technical Specifications (TS) and TS Tables: page 3/4 1-9, TS 4.1.2.3.1, Reactivity Control Systems, Charging Pump Shutdown; page 3/4 1-10, TS 4.1.2.4.1, Reactivity Control Systems, Charging Pump Operating; page 3/4 3-21, Table 3.3-3, ESF Actuation System Instrumentation, Item 7.d. Auxiliary Feedwater Suction Pressure; page 3/4 3-22, Table 3.3-3, Item 7.g. Trip of Feedwater Pumps; page 3/4 3-22, Table 3.3-3, Item 7.f. Auxiliary Feedwater - Blackout; page 3/4 3-23, Table 3.3-3, Note 1 for Item 7.f.; page 3/4 3-23, Table 3.3-3, Item 9, Loss of Power, Note 15a; page 3/4 3-28, Table 3.3-4 ESF Actuation System Instrumentation Trip Setpoints, Item 7.f. Auxiliary Feedwater - Blackout, Note 1; page 3/4 3-29, Table 3.3-4, Note 1; page 3/4 3-32, Table 3.3-5, ESF Response Times, Item 13b Station Blackout, Note 6; page 3/4 3-33, Table 3.3-5, Note 6; page 3/4 3-53, Table 3.3-9 Remote Shutdown Monitoring Instrumentation, Item 7 Auxiliary Feedwater Pump Motor Control Panel; page 3/4

3-56, Table 3.3-10 Accident Monitoring Instrumentation, Item 2 Reactor Coolant Temperature; page 3/4 3-69, Table 4.3-8 Radioactive Liquid Effluent Monitoring Instrumentation Surveillance Requirements, Items 3a and 3b, Sampling of Ventilation Condensate and Conventional Wastewater, Note 4; page 3/4 3-72, Table 3.3-13, Radioactive Gaseous Effluent Monitoring Instrumentation, Item 3, Noble Gas Monitor, Notation #; page 3/4 3-74, Table 3.3-13, Note #, Applicability; page 3/4 3-75, Table 4.3-9, Radioactive Gaseous Effluent Monitoring Instrumentation Surveillance Requirements, Item 3. Noble Gas Monitor, Notation #; page 3/4 3-77, Table 4.3-9, Note #, modes applicable; page 3/4 5-6, TS 4.5.2, Emergency Core Cooling Systems Surveillance Requirements, TS 4.5.2b1) Water in ECCS piping; page 3/4 5-7, TS 4.5.2f Pump pressure check; page 3/4 6-22, TS 3.6.3 Containment Isolation Valves, Action, page 3/4 6-22, TS 4.6.3.1 Surveillance Requirements; page 3/4 11-15, TS 4.11.2.4.2 Gaseous Radwaste Treatment System Surveillance Requirements; page 3/4 3-22, Table 3.3-3, Item 9, Loss of Power, 4KV bus; page 3/4 3-24, Table 3.3-3, Action 17a; page 3/4 3-24a, Table 3.3-3, Action 27.

The licensee also proposed a change to license NPF-17 for McGuire Nuclear Station, Unit 2, to delete license condition 2.C.(8) regarding the control of heavy loads. The NRC's Generic Letter 85-11, "Completion of Phase II of 'Control of Heavy Loads at Nuclear Power Plants,' NUREG-0612," dated June 28, 1985 is the basis for the change which is purely administrative.

The licensee's application for the amendments was dated February 17, 1987, as supplemented November 19, 1987, and April 1 and October 3, 1988.

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 licensee has provided discussion and analysis of the proposed amendments with regard to the three standards of 10 CFR 50.92. The staff has reviewed the proposed changes and finds most to be of an editorial or administrative nature to clarify the TS and more closely reflect the as-built condition of the plants. The remaining changes are of a minor nature, do not change the existing limiting conditions for operation or the surveillance requirements, and thus would not adversely affect the safe operation of the plants. Therefore, the proposed changes 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. Accordingly, the Commission proposes to determine that the proposed amendments do not involve a significant hazards consideration.

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.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene are discussed below.

By *June 5, 1989,* 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, 2120 L 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 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 David B. Matthews: 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 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, 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 presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(f)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room 2120 L 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 28th day of April 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Darl S. Hood". The signature is written in a cursive style with a large, sweeping initial "D" and "H".

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

Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Rockville, Maryland, this 28th day of April 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

151

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

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