

August 15, 1989

Docket Nos. 50-369
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 74188 and 74189)

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 August 3, 1989, 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 reduce the number of moveable incore detector thimbles in McGuire Unit 1 required during the remainder of the present fuel cycle for the Moveable Incore Detection System to be considered operable.

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

Sincerely,

/s/

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

Enclosure:
F.R. Notice

cc w/encl:
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Mr. H. B. Tucker
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McGuire Nuclear Station

cc:

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(7590-01)

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 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 No. NPF-9 and Facility Operating License 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 revise Technical Specification (TS) 3/4.2.2, 3/4.2.3, 3/4.2.4, 3/4.3.1 and 3/4.3.3.2 to reduce from 75% to 50%, the number of moveable incore detector thimbles in McGuire Unit 1 required to be available for the Moveable Incore Detection System to be declared operable. McGuire Unit 1 is experiencing problems with sticking detectors that prevent the detectors from traveling the entire length of the incore thimbles. This problem apparently resulted from a new, ineffective cleaning process during the last refueling outage which left a lubricant residue on the thimbles. The thimbles will be cleaned using a proven process during the next refueling outage or unplanned outage of sufficient duration. The proposed TS change, thus, would apply only to the remainder of the present Unit 1 fuel cycle (Cycle 6) and would be applied by the licensee only if the sticking problem precludes insertion of the presently required number of detectors. Unit 2 is affected by this change only

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administratively because it shares a common TS with Unit 1; no technical change is intended for Unit 2. The licensee's application for the amendments was dated August 3, 1989.

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 amendments 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 McGuire Moveable Incore Detection System consists of 58 incore flux thimbles in which moveable fission chamber detectors scan the length of 58 selected fuel assemblies to measure axial and radial neutron flux distributions of the reactor. The licensee has determined that a reduction in the required number of moveable incore detector thimbles from 75% (44 thimbles) to 50% (29 thimbles) would not significantly degrade the ability of the system to measure core flux (or power) distributions. The licensee's conclusions are based, in part, upon a Westinghouse study (Attachment 2B of the August 3, 1989 application for amendments) showing that the increased uncertainty for peaking factor measurements using only 29 detector thimbles rather than 58 would be small (i.e., the additional uncertainty would be about 1% for the nuclear enthalpy

rise hot channel factor and 2% for total heat flux hot channel factor). As the number of available moveable detector thimbles decreases from 75% to 50%, the measurement uncertainty presently specified in the TS would be increased and would, therefore, increase the margin to the allowable TS limit for hot channel factors. The TS would continue to require that sufficient detector thimbles be available to ensure each core quadrant is monitored; thus, the available detector thimbles, although reduced would have a negligible impact on the quadrant tilt and core average axial power shape measurements.

Based on these factors and the Westinghouse study, the licensee has determined that the margin of safety would not be significantly reduced. The NRC has reviewed this determination and the McGuire Unit 1 core characteristics at this point in the fuel cycle (Unit 1 Cycle 6 is currently at about 5700 MWD/MTU of a 15,500 MWD/MTU cycle.) We find that the core power distribution is presently well defined and that all power distribution surveillance parameters have sufficient margin to their limits to accommodate the additional measurement uncertainties associated with the proposed change. Therefore, we concur with the licensee's finding for the remainder of the Unit 1 fuel cycle.

Since the power distribution surveillance parameters will not be exceeded, and existing safety limits are not changed, the proposed TS change would not increase the consequences of any previously evaluated accident. Since the incore detectors are used only as information and are not used to cause actuation of engineered safety features or to cause a reactor trip (separate flux detectors located outside the core are provided for such purposes), the proposed amendments would not increase the probability of a previously evaluated accident. Similarly, since the proposed change would add no new equipment or

otherwise change the plant configuration, the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

Accordingly, the Commission proposes to find that the changes 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 September 21, 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 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 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, 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)(i)-(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 15th day of August 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

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

[TUCKER LTR 8/9]

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