

October 17, 1994

Mr. T. C. McMeekin
Vice President, McGuire Site
Duke Power Company
12700 Hagers Ferry Road
Huntersville, North Carolina 28078

Dear Mr. McMeekin:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS - MCGUIRE
NUCLEAR STATION, UNITS 1 AND 2 (TAC NOS. M81162 AND M81163)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing." This notice relates to your application for amendments dated October 4, 1994, which would permit flexibility in the operation of the NV pumps during unit startup.

Sincerely,

/s/

Victor Nerses, Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-369
and 50-370

Enclosure:
Notice

cc w/enclosure:
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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

October 17, 1994

Mr. T. C. McMeekin
Vice President, McGuire Site
Duke Power Company
12700 Hagers Ferry Road
Huntersville, North Carolina 28078

Dear Mr. McMeekin:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS - MCGUIRE
NUCLEAR STATION, UNITS 1 AND 2 (TAC NOS. M90536 AND M90537)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing." This notice relates to your application for amendments dated October 4, 1994, which would permit flexibility in the operation of the NV pumps during unit startup.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victor Nerses".

Victor Nerses, Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-369
and 50-370

Enclosure:
Notice

cc w/enclosure:
See next page

Mr. T. C. McMeekin
Duke Power Company

McGuire Nuclear Station

cc:

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Charlotte, North Carolina 28242-0001

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Charlotte, North Carolina 28202

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Regulatory Compliance Manager
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Winston and Strawn
1400 L Street, NW.
Washington, DC 20005

Senior Resident Inspector
c/o U. S. Nuclear Regulatory
Commission
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Huntersville, North Carolina 28078

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Nuclear Technical Services Manager
Westinghouse Electric Corporation
Carolinas District
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Charlotte, North Carolina 28217

Dr. John M. Barry
Mecklenberg County
Department of Environmental
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Mr. Dayne H. Brown, Director
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Health and Natural Resources
Division of Radiation Protection
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Ms. Karen E. Long
Assistant Attorney General
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Raleigh, North Carolina 27602

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Charlotte, North Carolina 28242-
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Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
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Atlanta, Georgia 30323

Elaine Wathen, Lead REP Planner
Division of Emergency Management
116 West Jones Street
Raleigh, North Carolina 27603-1335

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-369 AND 50-370NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment 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 proposed amendment would correct a technical deficiency existing in the Technical Specifications (TS) which has caused difficulty to plant operations when swapping of the NV pumps was needed in Modes 4, 5, and 6. This amendment is requested to permit flexibility in the operation of the NV pumps during unit startup. McGuire Unit 1 is currently in cycle 10 startup process.

Before issuance of the proposed license amendment, 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Basis for Conclusion That the Amendment Would Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated:

No significant increase in probability of an accident previously analyzed will occur. While the probability of the mass addition pressure transient will increase slightly, this increase is judged to be insignificant due to the short time of operation with two NV pumps (≤ 15 minutes) and the accompanying TS 3.4.9.3 requirement for two operable NC system PORVs.

The consequences of the mass addition pressure transient accident will not increase for the same reasons described above.

2. Basis for Conclusion that the Amendment Would Not Create the Possibility of a New or Different Kind of Accident From Any Previously Analyzed:

The accident related to the operation of an additional NV pump is the mass addition pressure transient accident as previously analyzed and documented in the basis for TS 3.1.2.3, 3.1.2.4, and 3.5.3. No other new accident or different kind of accident will be created by allowing two NV pump operation for 15 minutes via this proposed TS Amendment.

3. Basis for Conclusion That the Amendment Would Not Represent A Significant Reduction in A Margin of Safety:

The margin of safety regarding the mass addition pressure transient will not be appreciably decreased due to the short duration (≤ 15 minutes) of two NV pump operation combined with the operability of two NC system PORVs required by TS 3.4.9.3 in Mode 4 ($\leq 300^\circ\text{F}$). Additionally, the margin of safety will be marginally increased as relates to the NC pump seal failure small break LOCA due to the increased assurance of NC pump seal flow during NV train swaps.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied.

Therefore, the NRC staff proposes to determine that the amendment request involves no 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.

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 in the FEDERAL REGISTER 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.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received

may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 14, 1994 , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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 a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. 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 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 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 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. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment

under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. 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 immediately 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 request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 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) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Herbert N. Berkow, 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, DC 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 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 amendment dated October 4, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Dated at Rockville, Maryland, this 6th day of October, 1994.

FOR THE NUCLEAR REGULATORY COMMISSION


Victor Nerses, Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation