

50-369  
Docket  
File



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

February 5, 1996

Mr. M. S. Tuckman  
Senior Vice President  
Nuclear Generation  
Duke Power Company  
P.O. Box 1006  
Charlotte, North Carolina 28201

SUBJECT: ISSUANCE OF AMENDMENTS - MCGUIRE NUCLEAR STATION, UNITS 1 AND 2  
(TAC NOS. M90860 AND M90861)

Dear Mr. Tuckman:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 164 to Facility Operating License NPF-9 and Amendment No. 146 to Facility Operating License NPF-17 for the McGuire Nuclear Station, Units 1 and 2. The amendments consist of changes to the Technical Specifications (TS) in response to your application dated November 2, 1994 as supplemented by letters dated November 16 and December 14, 1995.

The amendments delete the content of the Appendix B, "Environmental Protection Plan" (Non-radiological) Technical Specifications and modify License Condition 2.C.(2) so as to delete that portion which refers to the Environmental Protection Plan (EPP).

These amendments delete the aquatic requirements, which are superseded by The National Pollutant Discharge Elimination System (NPDES) permit system, that is administered by the U.S. Environmental Protection Agency (EPA). Although the aquatic requirements will now be administered by the EPA, your November 2, 1994, letter noted that you will continue to inform the NRC of any changes in your NPDES permit and you will notify the NRC within 30 days of submission of a violation notification to the permitting agency.

Your letter of November 2, 1994, also noted that you will report to the NRC, in accordance with 10 CFR 50.72, any unusual or important environmental events causally related to plant operation. In conversations with your staff regarding clarification on "unusual or important" we indicated that the examples of reportable events that were listed in Section 4.1 of the EPP could be added for clarification to your Nuclear System Directive (NSD) 202 and other appropriate Duke Power Company manuals and procedures. Your letter of December 14, 1995, stated that you will add the example to the next update of NSD 202.

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A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,

**ORIGINAL SIGNED BY:**

Victor Nerses, Senior Project Manager  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket Nos. 50-369 and 50-370

**Enclosures:**

- 1. Amendment No. 164 to NPF-9
- 2. Amendment No. 146 to NPF-17
- 3. Safety Evaluation

cc w/encl: See next page

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OFFICE	DRPE/PD22/PM	ADAR/PDLR/SC	OGC	DRPE/PD22/AD
NAME	V.Nerses	F.Akstulewicz		E.Imbro L.Wiens
DATE	12/19/95	12/29/95	12/6/95	2/5/96
COPY	YES NO	YES NO	YES NO	YES NO

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February 5, 1996

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,



Victor Nerses, Senior Project Manager  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket Nos. 50-369 and 50-370

Enclosures:

1. Amendment No. 164 to NPF-9
2. Amendment No. 146 to NPF-17
3. Safety Evaluation

cc w/encl: See next page

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Duke Power Company

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

DUKE POWER COMPANY

DOCKET NO. 50-369

McGUIRE NUCLEAR STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 164  
License No. NPF-9

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment to the McGuire Nuclear Station, Unit 1 (the facility), Facility Operating License No. NPF-9 filed by the Duke Power Company (licensee) dated November 2, 1994, as supplemented November 16 and December 14, 1995, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is hereby amended by deleting Appendix B, Environmental Protection Plan, and revising Paragraph 2.C.(2) of Facility Operating License No. NPF-9 to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 164, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

*EV Ambio*

*for*

Herbert N. Berkow, Director  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Attachment:  
Revised License Condition 2.C.(2)

Date of Issuance: February 5, 1996

- (3) Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess and use at any time any byproduct, source and special nuclear material a sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (5) Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of McGuire Nuclear Station, Units 1 and 2.
- (6) Pursuant to the Act and 10 CFR Parts 30 and 40, to receive, possess and process for release or transfer such byproduct material as may be produced by the Duke Power Company Training and Technology Center.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal (100% power).

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 164, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

DUKE POWER COMPANY

DOCKET NO. 50-370

McGUIRE NUCLEAR STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 146  
License No. NPF-17

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment to the McGuire Nuclear Station, Unit 2 (the facility), Facility Operating License No. NPF-17 filed by the Duke Power Company (licensee) dated November 2, 1994, as supplemented November 16 and December 14, 1995, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;  
and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.



2. Accordingly, the license is hereby amended by deleting Appendix B, Environmental Protection Plan, and revising Paragraph 2.C.(2) of Facility Operating License No. NPF-17 to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 146, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Herbert N. Berkow, Director  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Attachment:  
Revised License Condition 2.C.(2)

Date of Issuance: February 5, 1996

- (6) Pursuant to the Act and 10 CFR Part 30 and 40, to receive, possess and process for release or transfer such byproduct material as may be produced by the Duke Power Company Training and Technology Center.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

- (1) Maximum Power Level

The licensee is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal (100% power) in accordance with the conditions specified herein and in Attachment 1 to this license. The preoperational tests, startup tests and other items identified in Attachment 1 to this license shall be completed as specified. Attachment 1 is hereby incorporated into this license.

- (2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 146, are hereby incorporated into license. The licensee shall operate the facility in accordance with the Technical Specifications.

- (3) Antitrust Conditions

The licensee shall comply with the antitrust conditions delineated in Appendix C to this license;

- (4) Thermal Sleeves (Section 3.9.2 of SSER #6)\*

By December 31, 1983, the licensee shall provide, for NRC staff review and approval, justification for continued operation with the seven thermal sleeves removed from selected locations in the reactor coolant system;

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\* The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report and/or its supplements wherein the license condition is discussed.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 164 TO FACILITY OPERATING LICENSE NPF-9  
AND AMENDMENT NO. 146 TO FACILITY OPERATING LICENSE NPF-17  
DUKE POWER COMPANY  
MCGUIRE NUCLEAR STATION, UNITS 1 AND 2  
DOCKET NOS. 50-369 AND 50-370

1.0 INTRODUCTION

By letter dated November 2, 1994, as supplemented by letters dated November 16 and December 14, 1995, Duke Power Company (the licensee) submitted a request for changes to the McGuire Nuclear Station, Units 1 and 2, Operating Licenses. The requested changes would delete the content of the Appendix B, "Environmental Protection Plan" (Non-radiological) Technical Specifications and modify License Condition 2.C:(2) so as to delete that portion which refers to the Environmental Protection Plan. The November 16 and December 14, 1995, letters provided clarifying information that did not change the scope of the November 2, 1994, application and the initial proposed no significant hazards consideration determination.

2.0 EVALUATION

Appendix B, "Environmental Protection Plan," (EPP) was originally issued with the McGuire Nuclear Station Operating License Nos. NPF-9 and NPF-17 and contained, among other items, requirements to conduct for a limited time period certain aquatic and terrestrial environmental monitoring studies. These studies have now been completed.

The aquatic environmental requirements are now superseded by the requirements in the National Pollutant Discharge Elimination System (NPDES) permit that is administered by the U. S. Environmental Protection Agency (EPA). The radiological environmental monitoring requirements have been incorporated in Appendix A, Technical Specifications, in accordance with Appendix I to 10 CFR Part 50. On this basis, the staff concludes that there is no significant effect on safety caused by the action of this amendment. The action taken by this amendment is administrative in nature and is intended to relieve the licensee of the burden of certain environmental reporting requirements as discussed below though it does not eliminate the requirement for a long-term, terrestrial and aquatic environmental monitoring program.

Section 3.1 of the EPP provides general guidelines to the licensee to maintain records of changes in the plant design or operation and of tests and experiments carried out at the McGuire Station which might affect the environment. The licensee proposes to delete this section since this requirement is duplicated in the NPDES permit as well as in the licensee's Nuclear Station Modification Manual and in Nuclear System Directive 301. The staff concurs with the proposal and finds deletion of this section acceptable.

Section 3.2, Reporting Related to the NPDES Permit and State Certifications, requires the licensee to report to the NRC and the permitting agency any violations of the NPDES permit or the State certification of the results of the special studies conducted in accordance with the Clean Water Act, and any proposed changes to the effective NPDES permit. The licensee proposes to submit the copies of the application for renewal of the NPDES permit to the NRC within 30 days of submission to the permitting agency as opposed to the same time of submission to the permitting agency. In addition, the licensee also requests deletion of water quality limits and monitoring programs from the Appendix B Technical Specifications as these aquatic requirements are now under the jurisdiction of the EPA as established by the Federal Water Pollution Central Act Amendments of 1972. The staff concurs in the deletion of the aquatic requirements and will rely on the NPDES permit system that is administered by EPA for regulation and protection of the aquatic environment.

Section 4.1 of the EPP requires that any occurrence of an unusual or important event that indicates or could result in significant environmental impact casually related to McGuire station operation be recorded and reported within a certain time to the NRC followed by a written report. The licensee states that this requirement is duplicated in the licensee's Nuclear System Directive 202 (titled "10CFR50.72 Reports"), and in the licensee's McGuire Nuclear Station procedure RP/O/A/5700/10. In addition, the licensee, in its letter of December 14, 1995, stated that the examples of 10CFR50.72 reportable events as presently listed in Section 4.1 of the EPP will be added in the licensee's next update of the Nuclear System Directive 202. The licensee's proposed change is administrative and results in no change in reporting requirements. The staff finds the proposed change acceptable.

With regard to Section 4.2 of the McGuire Nuclear Station's Environmental Protection Plan, Environmental Monitoring, no studies or monitoring programs were recommended for the McGuire Station. However, the licensee is committed to comply with the comprehensive environmental monitoring incorporated in the Appendix A, Technical Specifications.

Based on the preceding considerations, the staff concludes that deletion of the remaining portions of Appendix B in its entirety is acceptable. Similarly, the deletion of that portion of License Condition 2.C.(2) which refers to the Environmental Protection Plan is also acceptable.

### 3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the North Carolina State official was notified of the proposed issuance of the amendments. The State official had no comments.

### 4.0 ENVIRONMENTAL CONSIDERATION

The amendments change recordkeeping, reporting, or administrative procedures or requirements. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding (60 FR 11131 dated March 1, 1995). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

### 5.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: Raj K. Anand

Date: February 5, 1996