

July 8, 1997

Mr. H. B. Barron
Vice President, McGuire Site
Duke Power Company
12700 Hagers Ferry Road
Huntersville, North Carolina 28078-8985

SUBJECT: MCGUIRE NUCLEAR STATION, UNITS 1 AND 2, NOTICE OF CONSIDERATION OF
ISSUANCE OF AMENDMENTS TO FACILITY OPERATING LICENSES AND
OPPORTUNITY FOR A HEARING (TACS M98964 AND M98965)

Dear Mr. Barron:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing" for your information. This notice relates to your application for amendments dated May 27, 1997. In your application, you propose to convert the current Technical Specifications for McGuire Nuclear Station, Units 1 and 2, to Improved Standard Technical Specifications consistent with the provisions of NUREG-1431, Revision 1, "Standard Technical Specifications - Westinghouse Plants," dated April 1995.

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

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

Enclosure: Federal Register Notice

cc w/encl: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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Sincerely,

A handwritten signature in cursive script that reads "Victor Nerses".

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

Enclosure: Federal Register Notice

cc w/encl: See next page

McGuire Nuclear Station
Units 1 and 2

cc:

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Regulatory Compliance Manager
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Senior Resident Inspector
c/o U. S. Nuclear Regulatory
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Mecklenberg County
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Mr. G. A. Copp
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Regional Administrator, Region II
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Raleigh, North Carolina 27611-7687

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-369 AND 50-370NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17 issued to the Duke Power Company (DPC or the licensee) for operation of the McGuire Nuclear Station, Unit 1 and 2, located in Mecklenburg County, North Carolina.

The proposed amendments, requested by the licensee in a letter dated May 27, 1997, would represent a full conversion from the current Technical Specifications (TSs) to a set of TSs based on NUREG-1431, Revision 1, "Standard Technical Specifications - Westinghouse Plants," dated April 1995. NUREG-1431 has been developed through working groups composed of both NRC staff members and industry representatives and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve TSs. As part of this submittal, the licensee has applied the criteria contained in the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (Final Policy Statement)," published in the Federal Register on July 22, 1993 (58 FR 39132), to the current McGuire TSs, and, using NUREG-1431 as a basis, developed a proposed set of improved TSs for McGuire. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change, which was published in the Federal Register on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

The licensee has categorized the proposed changes to the existing TSs into five general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes, less restrictive changes, and removed detail changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation, and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operational requirement. The reformatting, renumbering, and rewording process reflects the attributes of NUREG-1431 and do not involve technical changes to the existing TSs. The proposed changes include: (a) providing the appropriate numbers, etc., for NUREG-1431 bracketed information (information which must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG-1431 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

More restrictive changes are those involving more stringent requirements for operation of the facility or eliminate existing flexibility. These more stringent requirements do not result in operation that will alter assumptions relative to mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems and components described in the safety analyses. For each requirement in the current McGuire TSs that is more restrictive than the corresponding requirement in NUREG-1431, which the licensee proposes to retain in the improved Technical Specifications (ITSs), the licensee has provided an

explanation of why they have concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facilities because of specific design features of the plant.

Less restrictive changes are those where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TSs may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the ITs. Generic relaxations contained in NUREG-1431 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design will be reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG-1431 and, thus, provides a basis for these revised TSs or if relaxation of the requirements in the current TSs is warranted based on the justification provided by the licensee.

Removed detail changes move details from the current TSs to a licensee-controlled document. The details being removed from the current TSs are not considered to be initiators of any analyzed events and are not considered to mitigate accidents or transients. Therefore, the relocations do not involve a significant increase in the probability or consequences of an accident previously evaluated. Moving some details to a licensee-controlled document

will not involve a significant change in design or operation of the plant and no hardware is being added to the plant as part of the proposed changes to the current TSs. The changes will not alter assumptions made in the safety analysis and licensing basis. Therefore, the changes will not create the possibility of a new or different kind of accident from any accident previously evaluated. The changes do not reduce the margin of safety since they have no impact on any safety analysis assumptions. In addition, the details to be moved from the current TSs to a licensee-controlled document are the same as the existing TSs.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in the TSs. Relocated changes are those current TS requirements which do not satisfy or fall within any of the four criteria specified in the Commission's policy statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in that portion of its May 27, 1997, application titled "Application of Selection Criteria to the McGuire Units 1 and 2 Technical Specifications" in Volume 1 of the submittal. The affected structures, systems, components, or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the TSs to administratively controlled documents such as the Updated Final Safety Analysis Report (UFSAR), the TS Bases, the Selected Licensee Commitments manual, or plant procedures and licensee-controlled programs.

Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms. In addition, the affected structures, systems, components, or variables are addressed in existing surveillance procedures which are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements.

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.

By August 14, 1997, 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, and at the local public document room located at J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, North Carolina. 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.

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 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

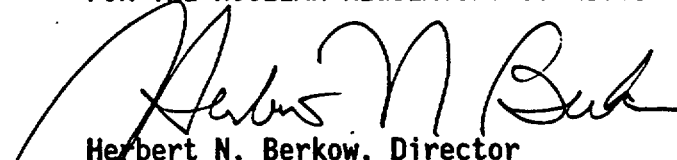
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should 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 a hearing is received, the Commission's staff may issue the amendment 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 amendments dated May 27, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. and at the local public document room located at the J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, North Carolina.

Dated at Rockville, Maryland, this 8th day of July 1997.

FOR THE NUCLEAR REGULATORY COMMISSION



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