

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-369 AND 50-370NOTICE OF PARTIAL DENIAL OF AMENDMENT TO FACILITY OPERATING LICENSE
AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) has denied part of a request by Duke Power Company (the licensee) for amendments to Facility Operating License Nos. NPF-9 and NPF-17 issued to the licensee for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina. A Notice of Consideration of Issuance of the Amendments was published in the FEDERAL REGISTER on December 22, 1993 (58 FR 67842).

The licensee's application of October 25, 1993, as supplemented on December 3, 1993, and February 14, 1994, proposed several changes to the Technical Specifications (TS) relating to the Limiting Safety System Settings and to the required minimum measured reactor coolant system flow rate. The amendments issued on March 22, 1994, authorized these changes except for those that would change the text of TS 2.1.1 and the definition of Figure 2.1-1. These changes were found either not to be beneficial in clarifying the TS or to be unacceptable because they would eliminate the connection between TS 2.1 and the associated reporting requirements in TS Section 6.

The NRC staff has concluded that the licensee's proposed change is unacceptable and is denied. The licensee was notified of the Commission's denial of the proposed change by letter dated April 14, 1994.

By May 23, 1994, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or 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, by the above date.

A copy of any petitions 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.

For further details with respect to this action, see (1) the application for amendments dated October 25, 1993, as supplemented on December 3, 1993, and February 14, 1994, and (2) the Commission's letter to the licensee dated April 14, 1994.

These documents are 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 the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 14th day of April 1994.

FOR THE NUCLEAR REGULATORY COMMISSION



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