June 17, 1983

Note to: Ralph Birkel, Project Manager, McGuire

From: Mack Cutchin, Attorney, OELD

SUBJECT: ACCELERATED FINAL NSHC DETERMINATION ON AMENDMENT

I understand that on June 13, 1983 a "nonstandard" notice of consideration of issuance of amendments, proposed NSHC determination and opportunity for hearing on OL amendments that were requested in November 23, 1982 was published in the Federal Register. The notice called for comments "as soon as practicable" rather than by a date certain (e.g., 30 days after publication in the Federal Register). On that same day (June 13th) having previously contacted the State of N.C. on June 6th and received no comments, NRR prepared a final NSHC determination and forwarded it to OELD for concurrence so that the amendment could be issued immediately. Obviously, no comments had been received from members of the public because no member of the public could have seen the notice and filed comments. The amendment package contains no justification at all for a less than 30-day notice. The statement of considerations accompanying the rule appears to require that a justification be provided by a Licensee when it requests that a less than 30-day notice be given.

Moreover, the explanation of why the Staff believes that the action involved is of the type identified in example vi of a NSHC in 48 FR 14870 is merely a conclusionary statement that is not clearly supported by the attached SER. The SER indicates that a condition on use of the square root of the sum of the squares method for combining the uncertainties in the individual factors affecting the overall uncertainty in RCS flow is that they be independent. The discussion of each of the several factors involved indicates that few, if any, of them are independent. Yet, the Staff concludes without any quantitative analysis that the effects on RCS flow uncertainty are negligible. The Staff also expresses concerns about the accuracy of the secondary side heat balance being unconservatively biased, and about the accuracy of the delta-P measurement across the FW flow nozzles and the interdependence of measured parameters affecting the heat balance. All of these concerns were resolved in Licensee's favor. However, resolution of several of these concerns depends on Licensee's "promises" to do certain things, e.g. to record RTD readings to the nearest 0.01 ohms, and always to have two of three elbow flow measurement channels available. These promises should be made binding by including them in the Tech Specs. Finally, even though Licensee has failed to demonstrate the independence of factors in the uncertainty in the elbow flow calculation, the Staff has arbitrarily assumed a value of 0.7% rather than the worst case, so that when the value is combined with the total heat balance uncertainty the RCS flow uncertainty factor of 1.7% is unaffected. Nowhere in the SER has the

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Staff provided a solid quantitative basis for its conclusion that the reduced (by 50%) uncertainty in RCS flow calculations (which I understand allows a 10% increase in reactor power level) is "acceptable." Nor has it addressed the three-pronged test for determining that NSHC is involved. See 10 CFR 50.92.

I am unable to recommend OELD concurrence in either early approval of the amendment or the NSHC finding until the deficiencies addressed above are cured.

cc: E. Christenbury
J. Scinto
J. Gray
E. Adensam
T. Novak