

November 16, 1983

Note to: J. Scinto
From: R. Rawson
SUBJECT: McGUIRE AMENDMENT PACKAGE (838988) RELATING TO
"DENIAL" OF AMENDMENT ON DIESEL GENERATOR SURVEILLANCE

*Tape
J.R. Rawson 11/16/83*

On August 1, 1983, Duke submitted a request for separate amendments to McGuire 1 and 2 licenses. This request was supplemented on September 7, 1983. For Unit 1, Duke requested a change in its schedule for surveillance testing of turbine overspeed protection system valves from once every 7 days to once every 31 days. For Unit 2, Duke requested a change in the surveillance interval for certain diesel generator tests from 18 months to each refueling outage. These amendment requests were both noticed on September 15, 1983 with proposed no significant hazards consideration determinations. No comments or requests for hearing were received.

On October 26, the Staff issued the amendment for Unit 1. The Staff also denied Duke's request for a change in the surveillance interval for Unit 2, but granted a one-time extension to no later than March 31, 1984 for the next set of tests. Duke's application did specifically request this alternative relief in the event that the primary request was not authorized. Failure to have granted this relief would have required shutdown on October 27, 1983 to perform the tests. Thus, both amendments have already been issued by the Staff.

OELD has now been asked to concur in a package regarding the issuance of these amendments. A single FRN is framed as a "Notice of Denial of Amendments." I understand that this was done in response to an earlier comment by you. It addresses only the amendment for Unit 2 and discusses the one-time extension. (I understand that the issuance of the amendment for Unit 1 is not intended to be covered by this FRN and has been or will be the subject of a separate monthly or individual FRN.) The FRN for the Unit 2 amendment also states that the required findings will have been made before issuance of the proposed amendments. No findings are included in the notice. The October 26 letter issuing the amendments encloses the amendments themselves; these contain the appropriate findings. The basis for these findings is contained in the SER.

As to the Unit 1 turbine overspeed protection system valves, the Staff relies on "preliminary indications" of turbine valve operability and reliability presented by Westinghouse, together with licensee's maintenance, inspection and turbine valve test program and licensee's "all volatile treatment program for maintaining water chemistry." The Staff approves the change to 31 day testing as an interim condition,

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subject to review and confirmation of a Westinghouse turbine missile generation probability analysis. Licensee agrees to this condition.

As to Unit 2, the Staff provides ample justification for denying Duke's request to lengthen the surveillance interval. The Staff goes on, however, to approve a one-time extension of up to five months "based on previously performed successful tests and other system and component testing performed at more frequent intervals at McGuire."

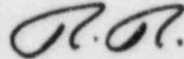
To summarize, then:

- ° both amendment requests were noticed
- ° the amendment for Unit 1 has been issued as requested but the postnotice of issuance is not made as part of this package
- ° the amendment for Unit 2 has been denied as requested but a lesser alternative request was granted and is the subject of the FRN in this package.

I cannot recommend OELD concurrence on this package for the following reasons:

1. The FRN title should clearly reflect that it is notice of issuance of amendment and denial of amendments. It is misleading to the public to call this only a notice of denial when an amendment is in fact being issued.
2. The FRN should state clearly that it does not encompass the amendment for Unit 1. We should be sure that the Unit 1 amendment has been or gets final notice and does not slip between the cracks.
3. The FRN is inadequate in that it fails to state that the NRC has made appropriate findings that the amendment granted comply with the requirements of the Atomic Energy Act and the Commission's regulations (the statement on the first page that the Commission will have made the findings is obviously inapplicable here);
4. The FRN should state clearly that Duke specifically requested the one-time extension on diesel generator surveillance as an alternative to its primary request to lengthen the surveillance interval;
5. The SER does not adequately explain the basis for granting the one-time extension to the Unit 2 diesel generator surveillance testing interval (see SER page 2). The statement that approval of the amendment is "based on previously performed successful tests and other system and component testing performed at more frequent intervals" provides a good starting

point but is not enough to support issuance of the amendment without: (1) some specificity as to the nature of the tests relied upon; and (2) some statement as to why those successful tests support the extension. Too much is left unsaid by the present language. (I recognize that the SER has already been issued without OELD concurrence and note this comment primarily for the purpose of facilitating future amendment packages.)



Richard J. Rawson

cc: J. Gray

was not used in subject of any of them.

② What exactly is the story on this? Has the Staff issued some amendments or has it not? If it has, has it issued the post notice of license amendment? If it has not issued the post notice, then what this should be is:

- a notice of issuance of amendment, notice of denial of amendment in part, and notice of opportunity for hearing on both Unit 1 & Unit 2 actions
- or • ~~separate~~ separate notices for each

The whole 1st page of the notice needs to be redone. It starts off as if we are giving notice of a proposed future action. That is not the case at all! The H on "Com'n will have made the findings" is just plain inapplicable.

③ I really believe we should suggest 2 notices

- A standard post notice on the amendment we granted (example attached)
- A notice of issuance & notice of denial & of opportunity for hearing on the one we partially granted, partially denied.

This notice should be like the std post notice for what we granted, should explain the denial, & offer an opportunity for hearing on what we denied

③ Your comments on the SER are ok
The SER probably should be strengthened

done by
no review
SER no good

Modification to Proposed Policy Statement

Rich:

① I don't quite understand. In the first paragraph you say both amendments were granted yet in paragraph 3 you say the amendment for Unit 2 has not been the subject of any FRN.

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