

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-369 AND 50-370NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTSTO FACILITY OPERATING LICENSES ANDOPPORTUNITY FOR HEARING

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

The amendments would change Technical Specification (TS) 3/4.7.7 "Auxiliary Building Filtered Ventilation Exhaust System" (VA system) and its associated Bases to reflect that the VA system consists of two shared safety-grade systems serving the common Auxiliary Building, rather than one safety-grade system for each of the two McGuire units. The VA system functions after a loss-of-coolant accident to ensure that the radioactive materials which may leak from the ECCS equipment within the ECCS pump rooms of the Auxiliary Building would be filtered by a filter package including a charcoal filter bed prior to reaching the environment.

The changes would relax the present action time (24 hours) to restore an inoperable VA system. Specifically, the change would provide a 7-day action time if one system of VA were inoperable because of an inoperable filter package or because it is unable to maintain a pressure of 0.25 inches (water gauge) at the ECCS pump room relative to outside atmosphere. A 72-hour action time would be provided if one VA system were inoperable because of an inoperable

flowpath or because it was unable to maintain a negative pressure at the ECCS pump room relative to outside atmosphere. The present 24 hour action time would be applied only if both VA systems were inoperable, and would apply to both McGuire units until at least one system was restored.

The amendments would double the time period of charcoal absorber operation (from 720 hours to 1440 hours) after which laboratory analysis is required to verify that a carbon sample meets specified methyl iodide penetration criteria. The carbon sample test temperature (presently specified by referenced Regulatory Guide 1.52, Revision 2) would be changed from 80°C to a more conservative 30°C while the associated penetration acceptance criteria would be relaxed from 99% to 90% removal.

The amendments would also substitute the 1980 version for the 1975 version of ANSI N510 (referenced in TSs 4.7.7.e and 4.7.7f) for use as a procedural guide for surveillance testing, and would substitute the term "carbon" whenever the term "charcoal" is used in TS 3/4.7.7.

By *May 4, 1987*, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 hearing and a petition for leave to intervene. Requests for a hearing and petitions 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. 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 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 a 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 fifteen (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 fifteen (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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters

within the scope of the amendment under consideration. 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 shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is required that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Lawrence P. Crocker, Acting Director, Project Directorate II-3; (petitioner's name and telephone number); (date Petition was mailed); (plant name); and (publication date and page number of this FEDERAL REGISTER notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

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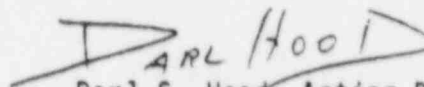
Untimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should 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 hearing is received, the Commission's staff may issue the amendments 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 amendment dated October 15, 1987, and corrected October 22, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Rockville, Maryland, this 29th day of March 1988.

FOR THE NUCLEAR REGULATORY COMMISSION



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