

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

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License No. NPF-9 and Facility Operating License No. 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.

50 FR 30548 published July 26, 1985, discussed proposed amendments requested in a May 9, 1985, letter which would change the Technical Specifications to allow operation at up to 100% rated power without the Upper Head Injection (UHI) System and provide for its removal. That Notice stated that the proposed Technical Specifications would also increase the operable range of the nitrogen gas cover-pressure of the ECCS cold leg injection accumulators and that in support of the proposed amendments the licensee would provide appropriate reanalyses of accidents to demonstrate that the change would not result in exceeding operating limits established by 10 CFR 50.46, or other Commission regulations.

The reanalyses have been provided by licensee's letter dated October 2, 1985, forwarding a document entitled "McGuire Nuclear Station, Safety Analysis for UHI Elimination," dated September 1985. One of the assumptions used in

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the reanalyses was the borated water volume contained in each ECCS cold leg accumulator. The reanalyses assumed a nominal volume of 950 ft<sup>3</sup>. Accordingly, by letter dated October 14, 1985, the licensee has proposed an additional change to the Technical Specification on cold leg accumulator volume to be consistent with the reanalyses assumption. Specification 3.5.1.1b would be revised to reflect that, with the UHI removed, the contained water volume for the accumulator to be declared operable shall range between 6870 and 7342 gallons (the existing Specification requires a range between 8022 and 8256 gallons). The reduction in nominal water level and the increase in nominal gas cover pressure would also be accompanied by appropriate modifications to instrumentation, alarm functions and procedures; however, these accompanying modifications do not require changes to the Technical Specifications.

In addition to the nitrogen gas cover pressure and water volume changes, flow restricting orifices in the discharge piping of the cold leg accumulator would be replaced (or rebored) concurrent with UHI removal to achieve injection flow resistances that would be within tolerance bands assumed in the ECCS analysis of October 2, 1985. However, this change to the discharge pipe does not involve a change to the Technical Specifications.

50 FR 30548 noted that the proposed Technical Specifications would be changed in a manner which would allow existing specification requirements to remain in effect until implementation of plant modifications (i.e., physical removal of UHI system) during refueling outages. By letters dated December 17, 1985, and January 14, 1986, the licensee supplemented the proposed changes to provide for an additional mode of operation prior to physical removal of the UHI system; namely operation with the UHI still installed but functionally disabled by closing and gagging the two UHI isolation valves in each UHI injection pipe.

Therefore, the proposed Technical Specifications would be changed in a manner which would allow either or both McGuire units to operate with its UHI system either (1) fully operable, (2) isolated, or (3) removed.

These changes would be accomplished generally by repetition and some re-numbering of existing Specifications 3/4.5.1.1 (ECCS Accumulators) and 3/4.5.1.2 (UHI System), with appropriate changes to the APPLICABILITY section. Apart from such administrative changes, technical requirements for the existing applicability mode (i.e., UHI fully operable) would not be changed by the proposed amendments. Like the case for operation after UHI removal, operation with the UHI system isolated would apply only after completion of the modifications to the ECCS cold leg accumulators (i.e., gas pressure and water volume changes) and their discharge piping (i.e., orifice modification), consistent with assumptions used in the licensee's safety analyses. The proposed changes for operation with the UHI system isolated would add a new Limiting Condition for Operation (3.5.1.4) requiring that each UHI system be isolated with the isolation valves closed. The action statement for new LCO 3.5.1.4 would state that with the isolation valve(s) open, the operator is either to immediately close the isolation valve(s) or have the unit in hot standby within 6 hours and reduce pressurizer pressure to less than 1900 psig within the next 12 hours. The proposed changes for operation with the UHI system isolated would also add a new surveillance requirement (4.5.1.4) such that each UHI system would be demonstrated isolated at least once per 12 hours by verifying that each accumulator isolation valve is closed. The proposed changes for operation with the UHI system removed would provide for deletion of (1) existing Specification 3/4.5.1.2 (i.e., proposed renumbered Specification 3/4.5.1.3) as it would be modified to reflect applicability for existing requirements (i.e., UHI operability required, no modification to cold leg accumulators and their

discharge paths), and (2) new Specification 3/4.5.1.4 discussed above.

The proposed amendments would also supplement Bases 3/4.5.1 to acknowledge the supporting analyses in licensee's letter of October 2, 1985, and to discuss the applicability of these specifications in terms of the three proposed UHI modes (i.e., operable, isolated, removed).

By letter dated December 23, 1985, the licensee responded to the Commission's request for additional information regarding radiological aspects of UHI removal and related radiological impacts on plant operations. The additional information further supports the licensee's proposed amendments, and does not change the specific changes requested nor the bases therefor.

50 FR 30548 stated that the licensee's letter of May 9, 1985, had also proposed amendments to delete technical specifications requiring UHI system leakage verification and to modify technical specifications to reflect deletion of UHI related containment penetrations and associated conductor overcurrent protection devices, containment isolation valves, and system piping snubbers. These changes, which were proposed in the context of UHI system removal, are not changed by the licensee's subsequent requests and would continue to apply only after removal of related components and piping and modifications to the cold leg accumulators and their discharge piping.

The licensee notes in the December 17, 1985, letter that with the modifications to the cold leg accumulators and their discharge paths, the plant configuration with an isolated UHI system would be functionally the same as described in the analyses by letter of October 2, 1985, for the removal of the UHI system. Therefore, those prior analyses for UHI removal are indicated by the licensee to bound operation with the UHI system isolated, and to

demonstrate compliance with the Commission's regulations, including 10 CFR 50.46.

Prior to 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 \_\_\_\_\_, 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 petition for leave to intervene. Such request should be limited to matters raised by those aspects of the proposed amendments which are not the subject of the Federal Register Notice issued July 26, 1985 (50 FR 30548) -- namely those changes which (1) adjust the Cold Leg Accumulator volume to be consistent with that assumed in the applicant's safety analysis, and (2) allow McGuire Unit 1 and/or Unit 2 to operate with the UHI system isolated. Request 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 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 reason 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 amendments 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 requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be give Datagram Identification 3737 and the following message addressed to B. J. Youngblood: 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 Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Mr. Albert Carr, Duke Power Company, P.O. Box 33189, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

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 factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).



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For further details with respect to this action, see the application for amendments dated May 9, 1985, its supplement dated October 14, 1985, supporting reanalyses submitted by letter dated October 2, 1985, and the supplements dated December 17, 1985 and January 14, 1986. These documents are 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 28242.

Dated at Bethesda Maryland, this       day of

FOR THE NUCLEAR REGULATORY COMMISSION

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Darl Hood, Acting Director  
PWR Project Directorate #4  
Division of PWR Licensing-A

\* SEE PREVIOUS CONCURRENCES

PWR#4/DPWR-A  
\*MDuncan/mac  
01/15/86

PWR#4/DPWR-A  
\*DHood  
01/27/86

OELD  
\*GJohnson  
01/21/86

PWR#4/DPWR-A  
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