

March 13, 2000

Template - NRR-058

Mr. William R. McCollum, Jr.
Vice President, Oconee Site
Duke Energy Corporation
P. O. Box 1439
Seneca, SC 29679

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SUBJECT: OCONEE NUCLEAR STATION, UNITS 1, 2 AND 3 - RE: ISSUANCE OF AMENDMENTS (TAC NOS. MA8041, MA8042, AND MA8043)

Dear Mr. McCollum:

The Nuclear Regulatory Commission has issued the enclosed Amendment Nos. 311 , 311 , and 311 to Facility Operating Licenses DPR-38, DPR-47, and DPR-55, respectively, for the Oconee Nuclear Station, Units 1, 2, and 3. The amendments consist of changes to the Facility Operating Licenses in response to your application dated January 27, 2000.

The amendments revise the Facility Operating Licenses by (a) deleting the license conditions that have been fulfilled by actions that have been completed, (b) changing the license conditions that have been superseded by the current plant status, and (c) incorporating other administrative changes. All pages of the licenses are being issued, even though some were not changed by these amendments, to ensure completeness. In addition, these amendments do not change a requirement with respect to installation or use of a facility component located within the restricted area, as defined in 10 CFR Part 20. Therefore, the staff has processed an Environmental Assessment and Finding of No Significant Impact, which has been issued separately.

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

David E. LaBarge, Senior Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-269, 50-270, and 50-287

Enclosures:

1. Amendment No. 311 to DPR-38
2. Amendment No. 311 to DPR-47
3. Amendment No. 311 to DPR-55
4. Safety Evaluation

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cc w/encls: See next page

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To receive a copy of this document, indicate in the box C=Copy w/o attachment/enclosure

E=Copy with attachment/enclosure N = No copy *See previous concurrence

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 13, 2000

cc William R. McCollum, Jr.
Vice President, Oconee Site
Duke Energy Corporation
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: OCONEE NUCLEAR STATION, UNITS 1, 2 AND 3 RE: ISSUANCE OF
AMENDMENTS (TAC NOS. MA8041, MA8042, AND MA8043)

Dear Mr. McCollum:

The Nuclear Regulatory Commission has issued the enclosed Amendment Nos. 311 ,
311 , and 311 to Facility Operating Licenses DPR-38, DPR-47, and DPR-55, respectively,
for the Oconee Nuclear Station, Units 1, 2, and 3. The amendments consist of changes to the
Facility Operating Licenses in response to your application dated January 27, 2000.

The amendments revise the Facility Operating Licenses by (a) deleting the license conditions
that have been fulfilled by actions that have been completed, (b) changing the license
conditions that have been superseded by the current plant status, and (c) incorporating other
administrative changes. All pages of the licenses are being issued, even though some were
not changed by these amendments, to ensure completeness. In addition, these amendments
do not change a requirement with respect to installation or use of a facility component located
within the restricted area, as defined in 10 CFR Part 20. Therefore, the staff has processed an
Environmental Assessment and Finding of No Significant Impact, which has been issued
separately.

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included
in the Commission's biweekly *Federal Register* notice.

Sincerely,

David E. LaBarge, Senior Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-269, 50-270, and 50-287

Enclosures:

1. Amendment No. 311 to DPR-38
2. Amendment No. 311 to DPR-47
3. Amendment No. 311 to DPR-55
4. Safety Evaluation

cc w/encls: See next page

Oconee Nuclear Station

cc:

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Charlotte, North Carolina 28209



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DUKE ENERGY CORPORATION

DOCKET NO. 50-269

OCONEE NUCLEAR STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 311
License No. DPR-38

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Oconee Nuclear Station, Unit 1 (the facility) Facility Operating License No. DPR-38 filed by the Duke Energy Corporation (the licensee) dated January 27, 2000, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the Operating License is amended as indicated in the attachment to this license amendment.

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Richard L. Emch, Jr., Chief, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Operating License

Date of Issuance: March 13, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 311

FACILITY OPERATING LICENSE NO. DPR-38

DOCKET NO. 50-269

Replace the entire Facility Operating License with the attached revised pages. The pages are identified by amendment number and contain marginal lines indicated the areas of change.

DUKE ENERGY CORPORATION

DOCKET NO. 50-269

OCONEE NUCLEAR STATION, UNIT 1

FACILITY OPERATING LICENSE

LICENSE NO. DPR-38

The Atomic Energy Commission (the commission) having found that:

- a. The application for license filed by Duke Energy Corporation (the applicant) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I and all required notifications to other agencies or bodies have been duly made; and
- b. Construction of the Oconee Nuclear Station, Unit 1 (the facility) has been substantially completed in conformity with Provisional Construction Permit No. CPPR-33 and the application, as amended, the provisions of the Act and the rules and regulations of the commission; and
- c. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission; and
- d. There is reasonable assurance (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission; and
- e. The applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the rules and regulations of the Commission; and
- f. The applicant has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations; and
- g. The issuance of this operating license will not be inimical to the common defense and security or to the health and safety of the public; and
- h. After weighing the environmental, economic, technical and other benefits of the facility against environmental costs and considering available alternatives, the issuance of Facility Operating License No. DPR-38 (subject to the conditions for protection of the environment set forth herein) is in accordance with 10 CFR Part 50, Appendix D, of the Commission's regulations and all applicable requirements of said Appendix D have been satisfied; and

- i. Pursuant to Section 105c(8) of the Act, the Commission has consulted with the Attorney General regarding the issuance of this operating license. After said consultation, the Commission has determined that the issuance of this license subject to the conditions set forth in this subparagraph i, in advance of consideration of and findings with respect to matters covered in Section 105c of the Act, is necessary in the public interest to avoid unnecessary delay in the operation of the facility. At the time this operating license is being issued an antitrust proceeding has been noticed but antitrust hearings have not commenced. The Commission, accordingly, has made no determination with respect to matters covered in Section 105c of the Act, including conditions, if any which may be appropriate as a result of the outcome of any antitrust proceeding. On the basis of its findings made as a result of an antitrust proceeding, the Commission may continue this license as issued, rescind this license or amend this license to include such conditions as the Commission deems appropriate. Duke Energy Corporation and others who may be affected hereby are accordingly on notice that the granting of this license is without prejudice to any subsequent licensing action, including the imposition of appropriate conditions, which may be taken by the Commission as a result of the outcome of any antitrust proceeding. In the course of its planning and other activities, Duke Energy Corporation will be expected to conduct itself accordingly; and
- j. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70, including 10 CFR Sections 30.33, 40.32, 70.23 and 70.31.

Facility Operating License No. DPR-38 is hereby issued to the Duke Energy Corporation (the applicant), to read as follows:

1. This license applies to the Oconee Nuclear Station, Unit 1, a pressurized water reactor and associated equipment (the facility) owned by the Duke Energy Corporation. The facility is located in eastern Oconee County, about eight miles northeast of Seneca, South Carolina, and is described in the "Final Safety Analysis Report" as supplemented and amended and the Environmental Report as supplemented and amended (Supplement 1).
2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Duke Energy Corporation (the licensee):
 - A. Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the facility at the designated location on the Oconee Nuclear Station Site in accordance with the procedures and limitations set forth in this license;

- B. Pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report as supplemented and amended;
 - C. Pursuant to the Act and 10 CFR Part 30, 40 and 70 to receive, possess, and use at any time byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration and as fission detectors in amounts as required;
 - D. Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form for sample analysis or instrument and equipment calibration or associated with radioactive apparatus or components.
 - E. Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the Oconee Nuclear Station, Units 1, 2 and 3.
3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I, Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50 and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
- A. Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2568 megawatts thermal.
 - B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 311 , are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

C. Deleted

D. This license is subject to the following antitrust conditions:

Applicant makes the commitments contained herein, recognizing that bulk power supply arrangements between neighboring entities normally tend to serve the public interest. In addition, where there are net benefits to all participants, such arrangements also serve the best interests of each of the participants. Among the benefits of such transactions are increased electric system reliability, a reduction in the cost of electric power, and minimization of the environmental effects of the production and sale of electricity.

Any particular bulk power supply transaction may afford greater benefits to one participant than to another. The benefits realized by a small system may be proportionately greater than those realized by a larger system. The relative benefits to be derived by the parties from a proposed transaction, however, should not be controlling upon a decision with respect to the desirability of participating in the transaction.

Accordingly, applicant will enter into proposed bulk power transactions of the types hereinafter described which, on balance, provide net benefits to applicant. There are net benefits in a transaction if applicant recovers the cost of the transaction (as defined in ¶1(d) hereof) and there is no demonstrable net detriment to applicant arising from that transaction.

1. As used herein:

- (a) "Bulk Power" means electric power and any attendant energy, supplied or made available at transmission or sub-transmission voltage by one electric system to another.
- (b) "Neighboring Entity" means a private or public corporation, a governmental agency or authority, a municipality, a cooperative, or a lawful association of any of the foregoing owning or operating, or proposing to own or operate, facilities for the generation and transmission of electricity which meets each of the following criteria: (1) its existing or proposed facilities are economically and technically feasible of interconnection with those of the applicant and (2) with the exception of municipalities, cooperatives, governmental agencies or authorities, and associations, it is, or upon commencement of operations will be, a public utility and subject to regulation with respect to rates and service under

the laws of North Carolina or South Carolina or under the Federal Power Act; provided, however, that as to associations, each member of such association is either a public utility as discussed in this clause (2) or a municipality, a cooperative or a governmental agency or authority.

- (c) Where the phrase "neighboring entity" is intended to include entities engaging or proposing to engage only in the distribution of electricity, this is indicated by adding the phrase "including distribution systems".
 - (d) "Cost" means any appropriate operating and maintenance expenses, together with all other costs, including a reasonable return on applicant's investment, which are reasonably allocable to a transaction. However, no value shall be included for loss of revenues due to the loss of any wholesale or retail customer as a result of any transaction hereafter described.
- 2.
- (a) Applicant will interconnect and coordinate reserves by means of the sale and exchange of emergency and scheduled maintenance bulk power with any neighboring entity(ies), when there are net benefits to each party, on terms that will provide for all of applicant's properly assignable costs as may be determined by the Federal Energy Regulatory Commission and consistent with such cost assignment will allow the other party the fullest possible benefits of such coordination.
 - (b) Emergency service and/or scheduled maintenance service to be provided by each party will be furnished to the fullest extent available from the supplying party and desired by the party in need. Applicant and each party will provide to the other emergency service and/or scheduled maintenance service if and when available from its own generation and, in accordance with recognized industry practice, from generation of others to the extent it can do so without impairing service to its customers, including other electric systems to whom it has firm commitments.

- (c) Each party to a reserve coordination arrangement will establish its own reserve criteria, but in no event shall the minimum installed reserve on each system be less than 15%, calculated as a percentage of estimated peak load responsibility. Either party, if it has, or has firmly planned, installed reserves in excess of the amount called for by its own reserve criterion, will offer any such excess as may in fact be available at the time for which it is sought and for such period as the selling party shall determine for purchase in accordance with reasonable industry practice by the other party to meet such other party's own reserve requirement. The parties will provide such amounts of spinning reserve as may be adequate to avoid the imposition of unreasonable demands on the other party(ies) in meeting the normal contingencies of operating its (their) system(s). However, in no circumstances shall such spinning reserve requirement exceed the installed reserve requirement.
- (d) Interconnections will not be limited to low voltages when higher voltages are available from applicant's installed facilities in the area where interconnection is desired and when the proposed arrangement is found to be technically and economically feasible.
- (e) Interconnection and reserve coordination agreements will not embody provisions which impose limitations upon the use or resale of power and energy sold or exchanges pursuant to the agreement. Further, such arrangements will not prohibit the participants from entering into other interconnection and coordination arrangements, but may include appropriate provisions to assure that (i) applicant receives adequate notice of such additional interconnection or coordination, (ii) the parties will jointly consider and agree upon such measures, if any, as are reasonably necessary to protect the reliability of the interconnected systems and to prevent undue burdens from being imposed on any system, and (iii) applicant will be fully compensated for its costs. Reasonable industry practice as developed in the area from time to time will satisfy this provision.

3. Applicant currently has on file, and may hereafter file, with the Federal Energy Regulatory Commission contracts with neighboring entity(ies) providing for the sale and exchange of short-term power and energy, limited term power and energy, economy energy, non-displacement energy, and emergency capacity and energy. Applicant will enter into contracts providing for the same or for like transactions with any neighboring entity on terms which enable applicant to recover the full costs allocable to such transaction.
4. Applicant currently sells capacity and energy in bulk on a full requirements basis to several entities engaging in the distribution of electric power at retail. In addition, applicant supplies electricity directly to ultimate users in a number of municipalities. Should any such entity(ies) or municipality(ies) desire to become a neighboring entity as defined in ¶1(b) hereof (either alone or through combination with other), applicant will assist in facilitating the necessary transition through the sale of partial requirements firm power and energy. The provision of such firm partial requirements service shall be under such rates, terms and conditions as shall be found by the Federal Energy Regulatory Commission to provide for the recovery of applicant's costs. Applicant will sell capacity and energy in bulk on a full requirements basis to any municipality currently served by applicant when such municipality lawfully engages in the distribution of electric power at retail.
5. (a) Applicant will facilitate the exchange of electric power in bulk in wholesale transactions over its transmission facilities (1) between or among two or more neighboring entities, including distribution systems with which it is interconnected or may be interconnected in the future, and (2) between any such entity(ies) and any other electric system engaging in bulk power supply between whose facilities applicant's transmission lines and other transmission lines would form a continuous electric path, provided that permission to utilize such other transmission lines has been obtained. Such transaction shall be undertaken provided that the particular transaction reasonably can be accommodated by applicant's transmission system from a functional and technical standpoint and does not constitute the wheeling of power to a retail customer. Such transmission shall be on terms that fully compensate applicant for its cost. Any entity(ies) requesting such transmission arrangements shall give reasonable notice of its (their) schedule and requirements.

- (b) Applicant will include in its planning and construction program, sufficient transmission capacity as required for the transactions referred to in subparagraph (a) of this paragraph, provided that (1) the neighboring entity(ies) gives applicant sufficient advance notice as may be necessary reasonably to accommodate its (their) requirements from a functional and technical standpoint and (2) that such entity(ies) fully compensates applicant for its cost. In carrying out this subparagraph (b), however, applicant shall not be required to construct or add transmission facilities which (a) will be of no demonstrable present or future benefit to applicant, or (b) which could be constructed by the requesting entity(ies) without duplicating any portion of applicant's existing transmission lines, or (c) which would jeopardize applicant's ability to finance or construct on reasonable terms facilities needed to meet its own anticipated system requirements. Where regulatory or environmental approvals are required for the construction or addition of transmission facilities, needed for the transactions referred to in subparagraph (a) of this paragraph, it shall be the responsibility of the entity(ies) seeking the transaction to participate in obtaining such approvals, including sharing in the cost thereof.
6. To increase the possibility of achieving greater reliability and economy of electric generation and transmission facilities, applicant will discuss load projections and system development plans with any neighboring entity(ies)
7. When applicant's plans for future nuclear generating units (for which application will hereafter be made to the Nuclear Regulatory Commission) have reached the stage of serious planning, but before firm decisions have been made as to the size and desired completion date of the proposed nuclear units, applicant will notify all neighboring entities, including distribution systems with peak loads smaller than applicant's, that applicant plans to construct such nuclear units. Neither the timing nor the information provided need be such as to jeopardize obtaining the required site at the lowest possible cost.
8. The foregoing commitments shall be implemented in a manner consistent with the provisions of the Federal Power Act and all other lawful local, state and Federal regulation and authority. Nothing in these commitments is intended to determine in advance

the resolution of issues which are properly raised at the Federal Energy Regulatory Commission concerning such commitments, including allocation of costs or the rates to be charged. Applicant will negotiate (including the execution of a contingent statement of intent) with respect to the foregoing commitments with any neighboring entity including distribution systems where applicable engaging in or proposing to engage in bulk power supply transactions, but applicant shall not be required to enter into any final arrangement prior to resolution of any substantial questions as to the lawful authority of an entity to engage in the transactions. In addition, applicant shall not be obligated to enter into a given bulk power supply transaction if: (1) to do so would violate, or incapacitate it from performing any existing lawful contract it has with a third party; (2) there is contemporaneously available to it, a competing or alternative arrangement which affords it greater benefits which would be mutually exclusive of such arrangement; (3) to do so would adversely affect its system operations or the reliability of power supply to its customers; or (4) if to do so would jeopardize applicant's ability to finance or construct on reasonable terms facilities needed to meet its own anticipated system requirements.

E. Fire Protection

Duke Energy Corporation shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility and as approved in the SER's dated August 11, 1978, and April 28, 1983; October 5, 1978, and June 9, 1981 Supplements to the SER dated August 11, 1978; and Exemptions dated February 2, 1982; August 31, 1983; December 27, 1984; December 5, 1988; and August 21, 1989 subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

F. Physical Protection

Duke Energy Corporation shall fully implement and maintain in effect all provisions of the Commission-approved nuclear security and contingency and guard training and qualification plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan that contains Safeguards Information protected under 10 CFR 73.21

is entitled: "Nuclear Security and Contingency Plan," with revisions submitted through April 26, 1999. The plan that does not contain safeguards information is entitled, "Nuclear Security Training and Qualification Plan," with revisions submitted through August 18, 1999. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

G. Deleted

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4. This license is effective as of the date of issuance and shall expire at midnight, February 6, 2013.

FOR THE ATOMIC ENERGY COMMISSION

(Original Signed By)

Voss A. Moore, Assistant Director
for Light Water Reactors, Group 2
Directorate of Licensing

Attachments:

- 1) Appendix A – Technical Specifications License No. DPR-38
- 2) Appendix B – Deleted
- 3) Appendix C – Additional Conditions - Deleted

Date of issuance: February 6, 1973



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DUKE ENERGY CORPORATION

DOCKET NO. 50-270

OCONEE NUCLEAR STATION, UNIT 2

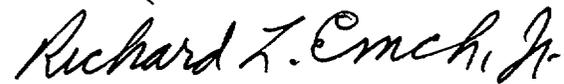
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 311
License No. DPR-47

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Oconee Nuclear Station, Unit 2 (the facility) Facility Operating License No. DPR-47 filed by the Duke Energy Corporation (the licensee) dated January 27, 2000, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the Operating License is amended as indicated in the attachment to this license amendment.

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Richard L. Emch, Jr., Chief, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Operating License

Date of Issuance: March 13, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 311

FACILITY OPERATING LICENSE NO. DPR-47

DOCKET NO. 50-270

Replace the entire Facility Operating License with the attached revised pages. The pages are identified by amendment number and contain marginal lines indicated the areas of change.

DUKE ENERGY CORPORATION

DOCKET NO. 50-270

OCONEE NUCLEAR STATION, UNIT 2

FACILITY OPERATING LICENSE

LICENSE NO. DPR-47

The Atomic Energy Commission (the commission) having found that:

- a. The application for license filed by Duke Energy Corporation (the licensee) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I and all required notifications to other agencies or bodies have been duly made;
- b. Construction of the Oconee Nuclear Station, Unit 2 (the facility) has been substantially completed in conformity with Provisional Construction Permit No. CPPR-34 and the application, as amended, the provisions of the Act and the rules and regulations of the commission;
- c. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
- d. There is reasonable assurance (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;
- e. The licensee is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the rules and regulations of the Commission;
- f. The licensee has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
- g. The issuance of this operating license will not be inimical to the common defense and security or to the health and safety of the public;
- h. After weighing the environmental, economic, technical and other benefits of the facility against environmental costs and considering available alternatives, the issuance of Facility Operating License No. DPR-47 (subject to the conditions for protection of the environment set forth herein) is in accordance with 10 CFR Part 50, Appendix D, of the Commission's regulations and all applicable requirements of said Appendix D have been satisfied; and

- i. Pursuant to Section 105c(8) of the Act, the Commission has consulted with the Attorney General regarding the issuance of this operating license. After said consultation, the Commission has determined that the issuance of this license subject to the conditions set forth in this subparagraph i, in advance of consideration of and findings with respect to matters covered in Section 105c of the Act, is necessary in the public interest to avoid unnecessary delay in the operation of the facility. At the time this operating license is being issued an antitrust proceeding has been noticed but antitrust hearings have not commenced. The Commission, accordingly, has made no determination with respect to matters covered in Section 105c of the Act, including conditions, if any which may be appropriate as a result of the outcome of any antitrust proceeding. On the basis of its findings made as a result of an antitrust proceeding, the Commission may continue this license as issued, rescind this license or amend this license to include such conditions as the Commission deems appropriate. Duke Energy Corporation and others who may be affected hereby are accordingly on notice that the granting of this license is without prejudice to any subsequent licensing action, including the imposition of appropriate conditions, which may be taken by the Commission as a result of the outcome of any antitrust proceeding. In the course of its planning and other activities, Duke Energy Corporation will be expected to conduct itself accordingly; and
- j. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70, including 10 CFR Sections 30.33, 40.32, 70.23 and 70.31.

Facility Operating License No. DPR-47 is hereby issued to the Duke Energy Corporation (the licensee), to read as follows:

1. This license applies to the Oconee Nuclear Station, Unit 2, a pressurized water reactor and associated equipment (the facility) owned by the Duke Energy Corporation. The facility is located in eastern Oconee County, about eight miles northeast of Seneca, South Carolina, and is described in the "Final Safety Analysis Report" as supplemented and amended and the Environmental Report as supplemented and amended (Supplement 1).
2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Duke Energy Corporation (the licensee):
 - A. Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the facility at the designated location on the Oconee Nuclear Station Site in accordance with the procedures and limitations set forth in this license;

- B. Pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time special nuclear material as reactor fuel in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report as supplemented and amended;
 - C. Pursuant to the Act and 10 CFR Part 30, 40 and 70 to receive, possess, and use at any time byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration and as fission detectors in amounts as required;
 - D. Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form for sample analysis or instrument and equipment calibration or associated with radioactive apparatus or components.
 - E. Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the Oconee Nuclear Station, Units 1, 2 and 3.
3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I, Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50 and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
- A. Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2568 megawatts thermal.
 - B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 311 , are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

C. Deleted

D. This license is subject to the following antitrust conditions:

Applicant makes the commitments contained herein, recognizing that bulk power supply arrangements between neighboring entities normally tend to serve the public interest. In addition, where there are net benefits to all participants, such arrangements also serve the best interests of each of the participants. Among the benefits of such transactions are increased electric system reliability, a reduction in the cost of electric power, and minimization of the environmental effects of the production and sale of electricity.

Any particular bulk power supply transaction may afford greater benefits to one participant than to another. The benefits realized by a small system may be proportionately greater than those realized by a larger system. The relative benefits to be derived by the parties from a proposed transaction, however, should not be controlling upon a decision with respect to the desirability of participating in the transaction. Accordingly, applicant will enter into proposed bulk power transactions of the types hereinafter described which, on balance, provide net benefits to applicant. There are net benefits in a transaction if applicant recovers the cost of the transaction (as defined in ¶1(d) hereof) and there is no demonstrable net detriment to applicant arising from that transaction.

1. As used herein:

- (a) "Bulk Power" means electric power and any attendant energy, supplied or made available at transmission or sub-transmission voltage by one electric system to another.
- (b) "Neighboring Entity" means a private or public corporation, a governmental agency or authority, a municipality, a cooperative, or a lawful association of any of the foregoing owning or operating, or proposing to own or operate, facilities for the generation and transmission of electricity which meets each of the following criteria: (1) its existing or proposed facilities are economically and technically feasible of interconnection with those of the applicant and (2) with the exception of municipalities, cooperatives, governmental agencies or authorities, and associations, it is, or upon commencement of operations will be, a public utility and subject to regulation with respect to rates and service under

the laws of North Carolina or South Carolina or under the Federal Power Act; provided, however, that as to associations, each member of such association is either a public utility as discussed in this clause (2) or a municipality, a cooperative or a governmental agency or authority.

- (c) Where the phrase "neighboring entity" is intended to include entities engaging or proposing to engage only in the distribution of electricity, this is indicated by adding the phrase "including distribution systems".
 - (d) "Cost" means any appropriate operating and maintenance expenses, together with all other costs, including a reasonable return on applicant's investment, which are reasonably allocable to a transaction. However, no value shall be included for loss of revenues due to the loss of any wholesale or retail customer as a result of any transaction hereafter described.
- 2.
- (a) Applicant will interconnect and coordinate reserves by means of the sale and exchange of emergency and scheduled maintenance bulk power with any neighboring entity(ies), when there are net benefits to each party, on terms that will provide for all of applicant's properly assignable costs as may be determined by the Federal Energy Regulatory Commission and consistent with such cost assignment will allow the other party the fullest possible benefits of such coordination.
 - (b) Emergency service and/or scheduled maintenance service to be provided by each party will be furnished to the fullest extent available from the supplying party and desired by the party in need. Applicant and each party will provide to the other emergency service and/or scheduled maintenance service if and when available from its own generation and, in accordance with recognized industry practice, from generation of others to the extent it can do so without impairing service to its customers, including other electric systems to whom it has firm commitments.

- (c) Each party to a reserve coordination arrangement will establish its own reserve criteria, but in no event shall the minimum installed reserve on each system be less than 15%, calculated as a percentage of estimated peak load responsibility. Either party, if it has, or has firmly planned, installed reserves in excess of the amount called for by its own reserve criterion, will offer any such excess as may in fact be available at the time for which it is sought and for such period as the selling party shall determine for purchase in accordance with reasonable industry practice by the other party to meet such other party's own reserve requirement. The parties will provide such amounts of spinning reserve as may be adequate to avoid the imposition of unreasonable demands on the other party(ies) in meeting the normal contingencies of operating its (their) system(s). However, in no circumstances shall such spinning reserve requirement exceed the installed reserve requirement.
- (d) Interconnections will not be limited to low voltages when higher voltages are available from applicant's installed facilities in the area where interconnection is desired and when the proposed arrangement is found to be technically and economically feasible.
- (e) Interconnection and reserve coordination agreements will not embody provisions which impose limitations upon the use or resale of power and energy sold or exchanges pursuant to the agreement. Further, such arrangements will not prohibit the participants from entering into other interconnection and coordination arrangements, but may include appropriate provisions to assure that (i) applicant receives adequate notice of such additional interconnection or coordination, (ii) the parties will jointly consider and agree upon such measures, if any, as are reasonably necessary to protect the reliability of the interconnected systems and to prevent undue burdens from being imposed on any system, and (iii) applicant will be fully compensated for its costs. Reasonable industry practice as developed in the area from time to time will satisfy this provision.

3. Applicant currently has on file, and may hereafter file, with the Federal Energy Regulatory Commission contracts with neighboring entity(ies) providing for the sale and exchange of short-term power and energy, limited term power and energy, economy energy, non-displacement energy, and emergency capacity and energy. Applicant will enter into contracts providing for the same or for like transactions with any neighboring entity on terms which enable applicant to recover the full costs allocable to such transaction.
4. Applicant currently sells capacity and energy in bulk on a full requirements basis to several entities engaging in the distribution of electric power at retail. In addition, applicant supplies electricity directly to ultimate users in a number of municipalities. Should any such entity(ies) or municipality(ies) desire to become a neighboring entity as defined in ¶1(b) hereof (either alone or through combination with other), applicant will assist in facilitating the necessary transition through the sale of partial requirements firm power and energy. The provision of such firm partial requirements service shall be under such rates, terms and conditions as shall be found by the Federal Energy Regulatory Commission to provide for the recovery of applicant's costs. Applicant will sell capacity and energy in bulk on a full requirements basis to any municipality currently served by applicant when such municipality lawfully engages in the distribution of electric power at retail.
5. (a) Applicant will facilitate the exchange of electric power in bulk in wholesale transactions over its transmission facilities (1) between or among two or more neighboring entities, including distribution systems with which it is interconnected or may be interconnected in the future, and (2) between any such entity(ies) and any other electric system engaging in bulk power supply between whose facilities applicant's transmission lines and other transmission lines would form a continuous electric path, provided that permission to utilize such other transmission lines has been obtained. Such transaction shall be undertaken provided that the particular transaction reasonably can be accommodated by applicant's transmission system from a functional and technical standpoint and does not constitute the wheeling of power to a retail customer. Such transmission shall be on terms that fully compensate applicant for its cost. Any entity(ies) requesting such transmission arrangements shall give reasonable notice of its (their) schedule and requirements.

- (b) Applicant will include in its planning and construction program, sufficient transmission capacity as required for the transactions referred to in subparagraph (a) of this paragraph, provided that (1) the neighboring entity(ies) gives applicant sufficient advance notice as may be necessary reasonably to accommodate its (their) requirements from a functional and technical standpoint and (2) that such entity(ies) fully compensates applicant for its cost. In carrying out this subparagraph (b), however, applicant shall not be required to construct or add transmission facilities which (a) will be of no demonstrable present or future benefit to applicant, or (b) which could be constructed by the requesting entity(ies) without duplicating any portion of applicant's existing transmission lines, or (c) which would jeopardize applicant's ability to finance or construct on reasonable terms facilities needed to meet its own anticipated system requirements. Where regulatory or environmental approvals are required for the construction or addition of transmission facilities, needed for the transactions referred to in subparagraph (a) of this paragraph, it shall be the responsibility of the entity(ies) seeking the transaction to participate in obtaining such approvals, including sharing in the cost thereof.
6. To increase the possibility of achieving greater reliability and economy of electric generation and transmission facilities, applicant will discuss load projections and system development plans with any neighboring entity(ies)
7. When applicant's plans for future nuclear generating units (for which application will hereafter be made to the Nuclear Regulatory Commission) have reached the stage of serious planning, but before firm decisions have been made as to the size and desired completion date of the proposed nuclear units, applicant will notify all neighboring entities, including distribution systems with peak loads smaller than applicant's, that applicant plans to construct such nuclear units. Neither the timing nor the information provided need be such as to jeopardize obtaining the required site at the lowest possible cost.
8. The foregoing commitments shall be implemented in a manner consistent with the provisions of the Federal Power Act and all other lawful local, state and Federal regulation and authority. Nothing in these commitments is intended to determine in advance

the resolution of issues which are properly raised at the Federal Energy Regulatory Commission concerning such commitments, including allocation of costs or the rates to be charged. Applicant will negotiate (including the execution of a contingent statement of intent) with respect to the foregoing commitments with any neighboring entity including distribution systems where applicable engaging in or proposing to engage in bulk power supply transactions, but applicant shall not be required to enter into any final arrangement prior to resolution of any substantial questions as to the lawful authority of an entity to engage in the transactions. In addition, applicant shall not be obligated to enter into a given bulk power supply transaction if: (1) to do so would violate, or incapacitate it from performing any existing lawful contract it has with a third party; (2) there is contemporaneously available to it, a competing or alternative arrangement which affords it greater benefits which would be mutually exclusive of such arrangement; (3) to do so would adversely affect its system operations or the reliability of power supply to its customers; or (4) if to do so would jeopardize applicant's ability to finance or construct on reasonable terms facilities needed to meet its own anticipated system requirements.

E. Fire Protection

Duke Energy Corporation shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility and as approved in the SER's dated August 11, 1978, and April 28, 1983; October 5, 1978, and June 9, 1981 Supplements to the SER dated August 11, 1978; and Exemptions dated February 2, 1982; August 31, 1983; December 27, 1984; December 5, 1988; and August 21, 1989 subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

F. Physical Protection

Duke Energy Corporation shall fully implement and maintain in effect all provisions of the Commission-approved nuclear security and contingency and guard training and qualification plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan that contains Safeguards Information protected under 10 CFR 73.21

is entitled: "Nuclear Security and Contingency Plan," with revisions submitted through April 26, 1999. The plan that does not contain safeguards information is entitled, "Nuclear Security Training and Qualification Plan," with revisions submitted through August 18, 1999. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

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4. This license is effective as of the date of issuance and shall expire at midnight, October 6, 2013.

FOR THE ATOMIC ENERGY COMMISSION

(Original Signed By)

Voss A. Moore, Assistant Director
for Light Water Reactors, Group 2
Directorate of Licensing

Attachments:

- 1) Appendix A – Technical Specifications License No. DPR-47
- 2) Appendix B – Deleted
- 3) Appendix C – Additional Conditions - Deleted

Date of issuance: October 6, 1973



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DUKE ENERGY CORPORATION

DOCKET NO. 50-287

OCONEE NUCLEAR STATION, UNIT 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 311
License No. DPR-55

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Oconee Nuclear Station, Unit 3 (the facility) Facility Operating License No. DPR-55 filed by the Duke Energy Corporation (the licensee) dated January 27, 2000, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the Operating License is amended as indicated in the attachment to this license amendment.

3. This license amendment is effective as of its date of issuance and shall be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink that reads "Richard L. Emch, Jr." in a cursive style.

Richard L. Emch, Jr., Chief, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Operating License

Date of Issuance: March 13, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 311

FACILITY OPERATING LICENSE NO. DPR-55

DOCKET NO. 50-287

Replace the entire Facility Operating License with the attached revised pages. The pages are identified by amendment number and contain marginal lines indicated the areas of change.

DUKE ENERGY CORPORATION

DOCKET NO. 50-287

OCONEE NUCLEAR STATION, UNIT 3

FACILITY OPERATING LICENSE

LICENSE NO. DPR-55

The Atomic Energy Commission (the Commission) having found that:

- a. The application for license filed by Duke Energy Corporation (the licensee) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I and all required notifications to other agencies or bodies have been duly made;
- b. Construction of the Oconee Nuclear Station, Unit 3 (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-35 and the application, as amended, the provisions of the Act and the rules and regulations of the Commission;
- c. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
- d. There is reasonable assurance (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;
- e. The licensee is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the rules and regulations of the Commission;
- f. The licensee has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
- g. The issuance of this operating license will not be inimical to the common defense and security or to the health and safety of the public;
- h. After weighing the environmental, economic, technical and other benefits of the facility against environmental costs and considering available alternatives, the issuance of Facility Operating License No. DPR-55 (subject to the conditions for protection of the environment set forth herein) is in accordance with 10 CFR Part 50, Appendix D, of the Commission's regulations and all applicable requirements of said Appendix D have been satisfied;

- i. Pursuant to Section 105c(8) of the Act, the Commission has consulted with the Attorney General regarding the issuance of this operating license. After said consultation, the Commission has determined that the issuance of this license, subject to the conditions set forth in this subparagraph i, in advance of consideration of and findings with respect to matters covered in Section 105c of the Act, is necessary in the public interest to avoid unnecessary delay in the operation of the facility. At the time this operating license is being issued an antitrust proceeding has been noticed but antitrust hearings have not been concluded. The Commission, accordingly, has made no determination with respect to matters covered in Section 105c of the Act, except to the extent of the conditions noted herein which the Atomic Safety Licensing Board has ordered be included herein after said conditions were negotiated and agreed to by the applicant, the Department of Justice, and the Regulatory staff. On the basis of its findings made as a result of the conclusion of the antitrust proceeding, the Commission may continue this license as issued, rescind this license or amend this license to include such additional conditions as the Commission deems appropriate. Duke Energy Corporation and others who may be affected hereby are accordingly on notice that the granting of this license is without prejudice to any subsequent licensing action, including the imposition of additional appropriate conditions, which may be taken by the Commission as a result of the outcome of any antitrust proceeding. In the course of its planning and other activities, Duke Energy Corporation will be expected to conduct itself accordingly; and
- j. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70, including 10 CFR Sections 30.33, 40.32, 70.23 and 70.31.

Facility Operating License No. DPR-55 is hereby issued to the Duke Energy Corporation (the licensee), to read as follows:

1. This license applies to the Oconee Nuclear Station, Unit 3, a pressurized water reactor and associated equipment (the facility) owned by the Duke Power Company. The facility is located in eastern Oconee County, about eight miles northeast of Seneca, South Carolina, and is described in the "Final Safety Analysis Report" as supplemented and amended and the Environmental Report as supplemented and amended (Supplement 1).
2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Duke Energy Corporation (the licensee):

- A. Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the facility at the designated location on the Oconee Nuclear Station Site in accordance with the procedures and limitations set forth in this license;
 - B. Pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report as supplemented and amended;
 - C. Pursuant to the Act and 10 CFR Part 30, 40 and 70 to receive, possess, and use at any time byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration and as fission detectors in amounts as required;
 - D. Pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form for sample analysis or instrument and equipment calibration or associated with radioactive apparatus or components.
 - E. Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the Oconee Nuclear Station, Units 1, 2 and 3.
3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I, Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50 and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 2568 megawatts thermal.

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 311, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

C. Deleted

D. This license is subject to the following antitrust conditions:

Applicant makes the commitments contained herein, recognizing that bulk power supply arrangements between neighboring entities normally tend to serve the public interest. In addition, where there are net benefits to all participants, such arrangements also serve the best interests of each of the participants. Among the benefits of such transactions are increased electric system reliability, a reduction in the cost of electric power, and minimization of the environmental effects of the production and sale of electricity.

Any particular bulk power supply transaction may afford greater benefits to one participant than to another. The benefits realized by a small system may be proportionately greater than those realized by a larger system. The relative benefits to be derived by the parties from a proposed transaction, however, should not be controlling upon a decision with respect to the desirability of participating in the transaction. Accordingly, applicant will enter into proposed bulk power transactions of the types hereinafter described which, on balance, provide net benefits to applicant. There are net benefits in a transaction if applicant recovers the cost of the transaction (as defined in ¶1(d) hereof) and there is no demonstrable net detriment to applicant arising from that transaction.

1. As used herein:

- (a) "Bulk Power" means electric power and any attendant energy, supplied or made available at transmission or sub-transmission voltage by one electric system to another.
- (b) "Neighboring Entity" means a private or public corporation, a governmental agency or authority, a municipality, a cooperative, or a lawful association of any of the foregoing owning or operating, or proposing to own or operate, facilities for the generation and transmission of electricity which meets each of the following criteria: (1) its existing or proposed facilities are economically and technically feasible of interconnection with those of the applicant and (2) with the exception of municipalities, cooperatives, governmental agencies or authorities, and associations, it is, or upon commencement of operations will be, a public utility and subject to regulation with respect to rates and service under

the laws of North Carolina or South Carolina or under the Federal Power Act; provided, however, that as to associations, each member of such association is either a public utility as discussed in this clause (2) or a municipality, a cooperative or a governmental agency or authority.

- (c) Where the phrase "neighboring entity" is intended to include entities engaging or proposing to engage only in the distribution of electricity, this is indicated by adding the phrase "including distribution systems".
 - (d) "Cost" means any appropriate operating and maintenance expenses, together with all other costs, including a reasonable return on applicant's investment, which are reasonably allocable to a transaction. However, no value shall be included for loss of revenues due to the loss of any wholesale or retail customer as a result of any transaction hereafter described.
- 2.
- (a) Applicant will interconnect and coordinate reserves by means of the sale and exchange of emergency and scheduled maintenance bulk power with any neighboring entity(ies), when there are net benefits to each party, on terms that will provide for all of applicant's properly assignable costs as may be determined by the Federal Energy Regulatory Commission and consistent with such cost assignment will allow the other party the fullest possible benefits of such coordination.
 - (b) Emergency service and/or scheduled maintenance service to be provided by each party will be furnished to the fullest extent available from the supplying party and desired by the party in need. Applicant and each party will provide to the other emergency service and/or scheduled maintenance service if and when available from its own generation and, in accordance with recognized industry practice, from generation of others to the extent it can do so without impairing service to its customers, including other electric systems to whom it has firm commitments.

- (c) Each party to a reserve coordination arrangement will establish its own reserve criteria, but in no event shall the minimum installed reserve on each system be less than 15%, calculated as a percentage of estimated peak load responsibility. Either party, if it has, or has firmly planned, installed reserves in excess of the amount called for by its own reserve criterion, will offer any such excess as may in fact be available at the time for which it is sought and for such period as the selling party shall determine for purchase in accordance with reasonable industry practice by the other party to meet such other party's own reserve requirement. The parties will provide such amounts of spinning reserve as may be adequate to avoid the imposition of unreasonable demands on the other party(ies) in meeting the normal contingencies of operating its (their) system(s). However, in no circumstances shall such spinning reserve requirement exceed the installed reserve requirement.
- (d) Interconnections will not be limited to low voltages when higher voltages are available from applicant's installed facilities in the area where interconnection is desired and when the proposed arrangement is found to be technically and economically feasible.
- (e) Interconnection and reserve coordination agreements will not embody provisions which impose limitations upon the use or resale of power and energy sold or exchanges pursuant to the agreement. Further, such arrangements will not prohibit the participants from entering into other interconnection and coordination arrangements, but may include appropriate provisions to assure that (i) applicant receives adequate notice of such additional interconnection or coordination, (ii) the parties will jointly consider and agree upon such measures, if any, as are reasonably necessary to protect the reliability of the interconnected systems and to prevent undue burdens from being imposed on any system, and (iii) applicant will be fully compensated for its costs. Reasonable industry practice as developed in the area from time to time will satisfy this provision.

3. Applicant currently has on file, and may hereafter file, with the Federal Energy Regulatory Commission contracts with neighboring entity(ies) providing for the sale and exchange of short-term power and energy, limited term power and energy, economy energy, non-displacement energy, and emergency capacity and energy. Applicant will enter into contracts providing for the same or for like transactions with any neighboring entity on terms which enable applicant to recover the full costs allocable to such transaction.
4. Applicant currently sells capacity and energy in bulk on a full requirements basis to several entities engaging in the distribution of electric power at retail. In addition, applicant supplies electricity directly to ultimate users in a number of municipalities. Should any such entity(ies) or municipality(ies) desire to become a neighboring entity as defined in ¶11(b) hereof (either alone or through combination with other), applicant will assist in facilitating the necessary transition through the sale of partial requirements firm power and energy. The provision of such firm partial requirements service shall be under such rates, terms and conditions as shall be found by the Federal Energy Regulatory Commission to provide for the recovery of applicant's costs. Applicant will sell capacity and energy in bulk on a full requirements basis to any municipality currently served by applicant when such municipality lawfully engages in the distribution of electric power at retail.
5. (a) Applicant will facilitate the exchange of electric power in bulk in wholesale transactions over its transmission facilities (1) between or among two or more neighboring entities, including distribution systems with which it is interconnected or may be interconnected in the future, and (2) between any such entity(ies) and any other electric system engaging in bulk power supply between whose facilities applicant's transmission lines and other transmission lines would form a continuous electric path, provided that permission to utilize such other transmission lines has been obtained. Such transaction shall be undertaken provided that the particular transaction reasonably can be accommodated by applicant's transmission system from a functional and technical standpoint and does not constitute the wheeling of power to a retail customer. Such transmission shall be on terms that fully compensate applicant for its cost. Any entity(ies) requesting such transmission arrangements shall give reasonable notice of its (their) schedule and requirements.

- (b) Applicant will include in its planning and construction program, sufficient transmission capacity as required for the transactions referred to in subparagraph (a) of this paragraph, provided that (1) the neighboring entity(ies) gives applicant sufficient advance notice as may be necessary reasonably to accommodate its (their) requirements from a functional and technical standpoint and (2) that such entity(ies) fully compensates applicant for its cost. In carrying out this subparagraph (b), however, applicant shall not be required to construct or add transmission facilities which (a) will be of no demonstrable present or future benefit to applicant, or (b) which could be constructed by the requesting entity(ies) without duplicating any portion of applicant's existing transmission lines, or (c) which would jeopardize applicant's ability to finance or construct on reasonable terms facilities needed to meet its own anticipated system requirements. Where regulatory or environmental approvals are required for the construction or addition of transmission facilities, needed for the transactions referred to in subparagraph (a) of this paragraph, it shall be the responsibility of the entity(ies) seeking the transaction to participate in obtaining such approvals, including sharing in the cost thereof.
- 6. To increase the possibility of achieving greater reliability and economy of electric generation and transmission facilities, applicant will discuss load projections and system development plans with any neighboring entity(ies)
- 7. When applicant's plans for future nuclear generating units (for which application will hereafter be made to the Nuclear Regulatory Commission) have reached the stage of serious planning, but before firm decisions have been made as to the size and desired completion date of the proposed nuclear units, applicant will notify all neighboring entities, including distribution systems with peak loads smaller than applicant's, that applicant plans to construct such nuclear units. Neither the timing nor the information provided need be such as to jeopardize obtaining the required site at the lowest possible cost.
- 8. The foregoing commitments shall be implemented in a manner consistent with the provisions of the Federal Power Act and all other lawful local, state and Federal regulation and authority. Nothing in these commitments is intended to determine in advance

the resolution of issues which are properly raised at the Federal Energy Regulatory Commission concerning such commitments, including allocation of costs or the rates to be charged. Applicant will negotiate (including the execution of a contingent statement of intent) with respect to the foregoing commitments with any neighboring entity including distribution systems where applicable engaging in or proposing to engage in bulk power supply transactions, but applicant shall not be required to enter into any final arrangement prior to resolution of any substantial questions as to the lawful authority of an entity to engage in the transactions. In addition, applicant shall not be obligated to enter into a given bulk power supply transaction if: (1) to do so would violate, or incapacitate it from performing any existing lawful contract it has with a third party; (2) there is contemporaneously available to it, a competing or alternative arrangement which affords it greater benefits which would be mutually exclusive of such arrangement; (3) to do so would adversely affect its system operations or the reliability of power supply to its customers; or (4) if to do so would jeopardize applicant's ability to finance or construct on reasonable terms facilities needed to meet its own anticipated system requirements.

E. Fire Protection

Duke Energy Corporation shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility and as approved in the SER's dated August 11, 1978, and April 28, 1983; October 5, 1978, and June 9, 1981 Supplements to the SER dated August 11, 1978; and Exemptions dated February 2, 1982; August 31, 1983; December 27, 1984; December 5, 1988; and August 21, 1989 subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

F. Physical Protection

Duke Energy Corporation shall fully implement and maintain in effect all provisions of the Commission-approved nuclear security and contingency and guard training and qualification plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan that contains Safeguards Information protected under 10 CFR 73.21

is entitled: "Nuclear Security and Contingency Plan," with revisions submitted through April 26, 1999. The plan that does not contain safeguards information is entitled, "Nuclear Security Training and Qualification Plan," with revisions submitted through August 18, 1999. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

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I. Deleted

J. Deleted

K. Deleted

4. This license is effective as of the date of issuance and shall expire at midnight, July 19, 2014.

FOR THE ATOMIC ENERGY COMMISSION

(Original Signed By)

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Attachments:

- 1) Appendix A – Technical Specifications
- 2) Appendix B – Deleted
- 3) Appendix C – Additional Conditions – Deleted

Date of issuance: July 19, 1974



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 311 TO FACILITY OPERATING LICENSE DPR-38

AMENDMENT NO. 311 TO FACILITY OPERATING LICENSE DPR-47

AND AMENDMENT NO. 311 TO FACILITY OPERATING LICENSE DPR-55

DUKE ENERGY CORPORATION

OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3

DOCKET NOS. 50-269, 50-270, AND 50-287

1.0 INTRODUCTION

By letter dated January 27, 2000, Duke Energy Corporation (the licensee) submitted a request for changes to the Facility Operating Licenses (FOLs) for the Oconee Nuclear Station, Units 1, 2, and 3. The requested changes would revise the Facility Operating Licenses by (a) deleting the license conditions that have been fulfilled by actions that have been completed, (b) changing the license conditions that have been superseded by the current plant status, and (c) incorporating other administrative changes.

2.0 BACKGROUND

The Commission issued FOL No. DPR-38 for Unit 1 on February 6, 1973, FOL No. DPR-47 for Unit 2 on October 6, 1973, and FOL No. DPR-55 for Unit 3 on July 19, 1974. When issued and in various amendments processed thereafter, the staff deemed certain issues important to the approval of the license or amendment. As a result, certain actions were imposed as license conditions in the FOLs, many with deadlines for their completion. The licensee has reviewed these license conditions and determined that many have been satisfied by the required plant actions or superseded by the current plant condition. The licensee has requested removal of those that are no longer applicable.

3.0 EVALUATION

3.1 License Condition 1

This license condition currently states that the facility is described in the Final Safety Analysis Report (FSAR) as supplemented and amended by Amendments 1 through 47. The licensee has proposed removal of "(Amendments 1 through 47)" as the reference for the FSAR amendments.

The FSAR is updated on a regular basis and new revision numbers are used. Including the specific FSAR amendment numbers in the license is not necessary. By removing the stated FSAR amendment numbers, the proposed change correctly reflects that all

FSAR supplements and revisions are applicable. Therefore, removal of the reference removes a source of confusion, is unnecessary since the FSAR update process is controlled by regulations, and is considered administrative in nature. The proposed change is acceptable.

3.2 License Condition 3.B

This license condition presently specifies that the Technical Specifications are contained in Appendices A and B.

Appendix B, "Non-Radiological Environmental Technical Specifications," was included in the original FOL. Its provisions have been removed from the Technical Specifications by Amendments 69, 69, and 66 (Units 1, 2, and 3, respectively), which were issued March 2, 1979, which deleted the "Aquatic Surveillance Program and Special Studies Program," and Amendments 112, 112, and 109 (Units 1, 2, and 3, respectively), which were issued May 27, 1982, which deleted, "Station Cooling Water Systems Thermal Limits and Chemical Discharge Limits." As a result, Appendix B no longer exists. This change is considered to be administrative and is acceptable.

3.3 License Condition 3.C

This license condition originally required the establishment of baselines for the evaluation of thermal, chemical, and radiological effects of station operation on terrestrial and aquatic biota in Lakes Keowee and Hartwell. Also, development and implementation of a comprehensive monitoring and surveillance program during plant operation was required.

After the startup of Oconee, requirements related to the establishment of environmental programs and the performance of studies of the effects of plant operation on the environment have been regulated by other programs. These programs include the Environmental Protection Agency's (EPA's) National Pollution Discharge Elimination System program and Section 316(a) and 316(b) of the Clean Water Act and other EPA programs, the Oconee Environmental Technical Specifications and Offside Dose Calculations Manual, plant design and operation as described in the Updated Final Safety Analysis Report, and criteria contained in the Selected Licensee Commitments Manual. Therefore, elimination of the license conditions would delete provisions for certain activities that are regulated by other government agencies or are being addressed by other programs. As a result, the license conditions in the FOLs are no longer necessary. Therefore, their removal is acceptable.

3.4 License Condition 3.F

This license condition presently addresses the requirements related to the physical security program, security guard training and qualification, and safeguards contingency plans. It contains specific document titles and references.

The licensee has proposed updating the title of the "Oconee Nuclear Station Security Plan" to "Nuclear Security and Contingency Plan," and "Oconee Nuclear Station Training and Qualification Plan" to "Nuclear Security Training and Qualification Plan" and

indicating that this Plan does not contain safeguards information. These changes are administrative and are acceptable.

The licensee has also proposed deleting "Oconee Nuclear Station Safeguards Contingency Plan." This change is acceptable because the requirements are contained in the "Nuclear Security and Contingency Plan."

In addition, certain references would be updated to the appropriate documents. These changes are administrative and are acceptable.

3.5 License Condition 3.G

This license condition presently addresses the requirements for a secondary water chemistry monitoring program that will inhibit steam generator tube degradation.

The licensee has proposed deleting these license conditions since they are equivalent to the requirements in TS 5.5.11, "Secondary Water Chemistry." Since the appropriate requirements are already contained elsewhere in the TS, they are not needed in the FOL and their removal is acceptable.

3.6 License Condition 3.H

This license condition presently addresses the requirement to implement a program to reduce leakage from systems outside the containment that would or could contain highly radioactive fluids during a serious transient or accident to as low as practical levels.

The licensee proposes to delete this license condition because the requirements are contained in TS 5.5.3, "Reactor Coolant Sources Outside Containment." Since the appropriate requirements are already contained elsewhere in the TS, they are not needed in the FOL and their removal is acceptable.

3.7 License Condition 3.I

This license condition presently addresses the requirement to implement a program that will ensure the capability to accurately determine the airborne iodine concentration in vital areas under accident conditions.

The licensee proposes to delete this license condition because the requirements are contained in TS 5.5.4, "Post Accident Sampling." Since the appropriate requirements are already contained elsewhere in the TS, they are not needed in the FOL and their removal is acceptable.

3.8 License Condition 3.J

This license condition addresses the requirement to implement a program which will ensure the capability to accurately monitor the Reactor Coolant System Subcooling Margin.

The licensee proposes to delete this license condition because the requirements are equivalent to those contained in TS 5.5.17, "Backup Method for Determining Subcooling Margin." Since the appropriate requirements are already contained elsewhere in the TS, they are not needed in the FOL and their removal is acceptable.

3.9 License Condition 3.K

This license condition presently incorporates the provisions of TS Appendix C into the license. Appendix C contains Additional Conditions that were incorporated into the TS as a result of staff review of the referenced amendments.

As explained below, the licensee has proposed deletion of TS Appendix C. This license condition is no longer needed if Appendix C is deleted. Therefore, this change is acceptable.

3.10 TS Appendix C

This appendix contains a number of Additional Conditions that were imposed in the FOL as a result of staff evaluations of certain amendments. For each of these Additional Conditions, the appendix contains the associated amendment numbers, a description of the Additional Condition, and its implementation date.

The staff has reviewed each of the Additional Conditions, determined that they have been adequately addressed, and that no further action is necessary. Each is considered closed and, therefore, they no longer need to be retained in the TS. Their removal is acceptable.

3.11 Various other administrative changes

Listed below are miscellaneous administrative changes that were identified by the staff:

- a. Item D.2.(a): change "Federal Power Commission" to "Federal Energy Regulatory Commission"
- b. Item D.2.(c): change "part" changed to "party"
- c. Item D.3 and Item D.4: change "Federal Power Commission" to "Federal Energy Regulatory Commission"
- d. Item D.7: change "Atomic Energy Commission" to "Nuclear Regulatory Commission"
- e. Item D.8: change "Federal Power Commission" to "Federal Energy Regulatory Commission"
- f. Item F.4: change Date of Issuance for Units 1 and 2 to "February 6, 1973" and "October 6, 1973" to reflect the original date of issuance of the FOL.

The licensee has reviewed these changes and agreed that they are appropriate. Because these changes correct erroneous or out-of-date information in the license, they are acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the South Carolina State official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact was published in the *Federal Register* on March 13, 2000 (65 FR 13340) for this amendment. Accordingly, based upon the environmental assessment, the Commission has determined that issuance of this amendment will not have a significant effect on the quality of the human environment.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: David E. LaBarge

Date:

From: "Luellen B Jones" <lbjones@duke-energy.com>
To: OWFN_DO.owf4_po(DEL)
Date: Wed, Feb 16, 2000 5:52 PM
Subject: Amendment to remove Unnecessary License Conditions

See response below.

----- Forwarded by Luellen B Jones/Gen/DukePower on 02/16/2000
 05:51 PM -----

David LaBarge <DEL@nrc.gov> on 02/16/2000 04:19:06 PM

To: Luellen B Jones/Gen/DukePower@DukePower
 cc:
 Subject: Amendment to remove Unnecessary License Conditions

Additional administrative changes I plan to make to the 3 licenses are shown below. I need you to verify that Duke agrees with the changes and email me that agreement.

1. Page 6, Item (c), 5th line: "part" to "party"
2. Page 7, Item 3 and Item 4: "Federal Power Commission" to "Federal Energy Regulatory Commission"
3. Page 9, continuation of Item 8: "Federal Power Commission" to "Federal Energy Regulatory Commission"
4. Page 8, Item 7: "Atomic Energy Commission" to "Nuclear Regulatory Commission"
5. Page 9, 4th line from the end of the top paragraph: "," to ";" This would be before "or (4)"
6. Page 10: Date of Issuance will become:
 - for Unit 1: "February 6, 1973"
 - 2: "October 6, 1973"
 - 3: "July 19, 1974"

Duke Response 2/16/00

1. Duke agrees.
2. This item is also found on page 5, Item 2(a), sixth line. Duke agrees to changes.
3. Duke agrees.
4. This item is also found on Page 1, first line in body of license and Page

11, before signature. Duke agrees to changes.

5. Duke agrees to the change - comma to a semicolon.

6. Date of issuance of each license. Duke agrees.