

October 4, 2000

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. MA9904, MA9905, AND MA9906)

Dear Mr. McCollum:

The Nuclear Regulatory Commission has issued the enclosed Amendment Nos. 316 , 316 , and 316 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 Technical Specifications in response to your application dated September 7, 2000.

The amendments revise Surveillance Requirement 3.8.1.9.a by adding a note stating that the upper limits on frequency and voltage are not required to be met for the annual test of the Keowee Hydro Units until the NRC issues an amendment that removes the note in response to an amendment request to be submitted no later than April 5, 2001. This action supersedes the Notice of Enforcement Discretion that was issued by the staff on September 8, 2000 (NOED No. 00-6-009).

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. 316 to DPR-38
2. Amendment No. 316 to DPR-47
3. Amendment No. 316 to DPR-55
4. Safety Evaluation

cc w/encs: See next page

DOCUMENT NAME: G:\PDII-1\OCONEE\A9904 AMM.WPD *See previous concurrence

OFFICE	PDII-1/PM	PDII-1/LA	RGEb*	EMEB*	EEIB*	PDII-1/SC	OGC*
NAME	DLaBarge	CHawes	WBeckner	Elmbro	JCalvo	REmch	RWeissman
DATE	10/4/00	10/4/00	9/26/00	9/21/00	9/20/00	10/4/00	9/3/00

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 4, 2000

Mr. 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. MA9904, MA9905, AND MA9906)

Dear Mr. McCollum:

The Nuclear Regulatory Commission has issued the enclosed Amendment Nos. 316 , 316 , and 316 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 Technical Specifications in response to your application dated September 7, 2000.

The amendments revise Surveillance Requirement 3.8.1.9.a by adding a note stating that the upper limits on frequency and voltage are not required to be met for the annual test of the Keowee Hydro Units until the NRC issues an amendment that removes the note in response to an amendment request to be submitted no later than April 5, 2001. This action supersedes the Notice of Enforcement Discretion that was issued by the staff on September 8, 2000 (NOED No. 00-6-009).

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David E. LaBarge, Senior Project Manager, Section 1
Project Directorate II
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Docket Nos. 50-269, 50-270, and 50-287

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1. Amendment No. 316 to DPR-38
2. Amendment No. 316 to DPR-47
3. Amendment No. 316 to DPR-55
4. Safety Evaluation

cc w/encls: See next page



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. 316
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 September 7, 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 license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 3.B of Facility Operating License No. DPR-38 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 316 , are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

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:
Technical Specification
Changes

Date of Issuance: October 4, 2000



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. 316
License No. DPR-47

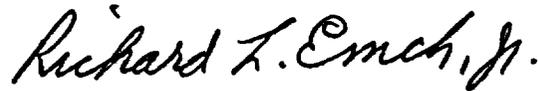
1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Oconee Nuclear Station, Unit 2 (the facility) Facility Operating License No. DPR-47 filed by the Duke Energy Corporation (the licensee) dated September 7, 2000, complies with the standards 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 license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 3.B of Facility Operating License No. DPR-47 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 316 , are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

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:
Technical Specification
Changes

Date of Issuance: October 4, 2000



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. 316
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 September 7, 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 license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 3.B of Facility Operating License No. DPR-55 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 316 , are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

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:
Technical Specification
Changes

Date of Issuance: October 4, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 316

FACILITY OPERATING LICENSE NO. DPR-38

DOCKET NO. 50-269

AND

TO LICENSE AMENDMENT NO. 316

FACILITY OPERATING LICENSE NO. DPR-47

DOCKET NO. 50-270

AND

TO LICENSE AMENDMENT NO. 316

FACILITY OPERATING LICENSE NO. DPR-55

DOCKET NO. 50-287

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

TS LOEP1
TS LOEP7
TS LOEP8
3.8.1-15
3.8.1-16
3.8.1-17
B LOEP1
B LOEP14
B 3.8.1-22

Insert

TS LOEP1
TS LOEP7
TS LOEP8
3.8.1-15
3.8.1-16
3.8.1-17
B LOEP1
B LOEP14
B 3.8.1-22

**OCONEE NUCLEAR STATION
TECHNICAL SPECIFICATIONS
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LOEP4	309/309/309	1/18/00
LOEP5	314/314/314	09/06/00
LOEP6	309/309/309	1/18/00
LOEP7	316/316/316	10/04/00
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LOEP9	310/310/310	1/18/00
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1.1-3	300/300/300	12/16/98
1.1-4	300/300/300	12/16/98
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1.4-4	300/300/300	12/16/98
2.0-1	313/313/313	6/21/00

10/04/00

OCONEE NUCLEAR STATION
TECHNICAL SPECIFICATIONS
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3.8.1-8	300/300/300	12/16/98
3.8.1-9	300/300/300	12/16/98
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3.8.4-1	300/300/300	12/16/98
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3.8.5-4	300/300/300	12/16/98
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3.9.1-1	300/300/300	12/16/98
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3.9.2-2	300/300/300	12/16/98
3.9.3-1	303/303/303	04/28/99

10/04/00

SURVEILLANCE REQUIREMENTS (continued)

SURVEILLANCE	FREQUENCY
<p>SR 3.8.1.7 Verify both KHU's underground tie breakers cannot be closed simultaneously.</p>	<p>12 months</p>
<p>SR 3.8.1.8 Verify each KHU's overhead emergency power path tie breaker cannot be closed when tie breaker to underground emergency power path is closed.</p>	<p>12 months</p>
<p>SR 3.8.1.9 -----NOTE----- The upper limits on KHU frequency and voltage are not required to be met until the NRC issues an amendment that removes this Note (license amendment request to be submitted no later than April 5, 2001). ----- Verify on an actual or simulated emergency actuation signal each KHU auto starts and:</p> <ul style="list-style-type: none"> a. Achieves frequency ≥ 57 Hz and ≤ 63 Hz and voltage ≥ 13.5 kV and ≤ 14.49 kV in ≤ 23 seconds; and b. Supplies the equivalent of one Unit's maximum safeguard loads plus two Unit's hot shutdown loads when synchronized to system grid and loaded at maximum practical rate. 	<p>12 months</p>

(continued)

SURVEILLANCE REQUIREMENTS (continued)

SURVEILLANCE	FREQUENCY
<p>SR 3.8.1.10 Verify each KHU's battery capacity is adequate to supply, and maintain in OPERABLE status, required emergency loads for design duty cycle when subjected to a battery service test.</p>	<p>12 months</p>
<p>SR 3.8.1.11 Verify each KHU's battery cells, cell end plates, and racks show no visual indication of physical damage or abnormal deterioration that could degrade battery performance.</p>	<p>12 months</p>
<p>SR 3.8.1.12 Verify each KHU's battery cell to cell and terminal connections are clean and tight, and are coated with anti-corrosion material.</p>	<p>12 months</p>
<p>SR 3.8.1.13 -----NOTE----- Only applicable when the overhead electrical disconnects for the KHU associated with the underground emergency power path are closed. ----- Verify on an actual or simulated zone overlap fault signal each KHU's overhead tie breaker and underground tie breaker actuate to the correct position.</p>	<p>12 months</p>

(continued)

SURVEILLANCE REQUIREMENTS (continued)

SURVEILLANCE	FREQUENCY
<p>SR 3.8.1.14</p> <p>-----NOTES----- Not required to be performed for an SL breaker when its standby bus is energized from a LCT via an isolated power path. -----</p> <p>Verify each closed SL and closed N breaker opens on an actuation of each redundant trip coil.</p>	<p>18 months</p>
<p>SR 3.8.1.15</p> <p>-----NOTE----- Redundant breaker trip coils shall be verified on a STAGGERED TEST BASIS. -----</p> <p>Verify each 230 kV switchyard circuit breaker actuates to the correct position on a switchyard isolation actuation signal.</p>	<p>18 months</p>
<p>SR 3.8.1.16</p> <p>-----NOTE----- Only applicable when complying with Required Action C.2.2.4. -----</p> <p>Verify one KHU provides an alternate manual AC power source capability by manual or automatic KHU start with manual synchronize, or breaker closure, to energize its non-required emergency power path.</p>	<p>As specified by Required Action C.2.2.4</p>

**OCONEE NUCLEAR STATION
TECHNICAL SPECIFICATIONS - BASES
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LOEP5	BASES REVISION	06/02/99
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B 2.1.1-3	300/300/300	12/16/98
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B 3.0-4	300/300/300	12/16/98
B 3.0-5	300/300/300	12/16/98
B 3.0-6	300/300/300	12/16/98
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10/04/00

**OCONEE NUCLEAR STATION
TECHNICAL SPECIFICATIONS - BASES
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B 3.8.3-1	300/300/300	12/16/98
B 3.8.3-2	BASES REVISION	08/08/00
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10/04/00

BASES

**SURVEILLANCE
REQUIREMENTS
(continued)**

SR 3.8.1.9

This surveillance verifies the KHUs' response time to an Emergency Start signal (normally performed using a pushbutton in the control room) to ensure ES equipment will have adequate power for accident mitigation. UFSAR Section 6.3.3.3 (Ref. 9) establishes the 23 second time requirement for each KHU to achieve rated frequency and voltage. Since the only available loads of adequate magnitude for simulating an accident is the grid, subsequent loading on the grid is required to verify the KHU's ability to assume rapid loading under accident conditions. Sequential block loads are not available to fully test this feature. This is the reason for the requirement to load the KHUs at the maximum practical rate. The 12 month Frequency for this SR is adequate based on operating experience to provide reliability verification without excessive equipment cycling for testing.

This SR is modified by a Note that allows the upper limits on KHU frequency and voltage to not be met until the NRC issues an amendment which removes this Note, with the license amendment request to be submitted no later than April 5, 2001.

SR 3.8.1.10

A battery service test is a special test of the battery capability, as found, to satisfy the design requirements (battery duty cycle) of the DC electrical power system. The discharge rate and test length should correspond to the design duty cycle requirements as specified in Reference 4.

The Surveillance Frequency of 12 months is consistent with the recommendations of Regulatory Guide 1.32 (Ref. 6) and Regulatory Guide 1.129 (Ref. 7), which state that the battery service test should be performed with intervals between tests not to exceed 18 months.

SR 3.8.1.11

Visual inspection of the battery cells, cell plates, and battery racks provides an indication of physical damage or abnormal deterioration that could potentially degrade battery performance. The 12 month Frequency for this SR is consistent with manufacturers recommendations and IEEE-450 (Ref. 8), which recommends detailed visual inspection of cell condition and rack integrity on a yearly basis.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 316 TO FACILITY OPERATING LICENSE DPR-38

AMENDMENT NO. 316 TO FACILITY OPERATING LICENSE DPR-47

AND AMENDMENT NO. 316 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 September 7, 2000, Duke Energy Corporation (the licensee) submitted a request for changes to the Oconee Nuclear Station, Units 1, 2, and 3, Technical Specifications (TS). The requested changes would revise Surveillance Requirement (SR) 3.8.1.9.a by adding a note stating that the upper limits on frequency and voltage are not required to be met for the annual test of the Keowee Hydroelectric Units (KHUs) until the NRC issues an amendment that removes the note in response to an amendment request to be submitted no later than April 5, 2001. This action supersedes the Notice of Enforcement Discretion that was issued by the staff on September 8, 2000 (NOED No. 00-6-009).

2.0 BACKGROUND

Onsite emergency electrical power for the three Oconee units is supplied by two KHUs located within the owner controlled area at the site. When emergency power is needed for any of the three Oconee units, water from Lake Keowee is used to automatically start the KHUs, which automatically energize the emergency buses as their speed is increasing. In accordance with the TS, an annual surveillance test of the KHUs is performed during each Oconee refueling outage to ensure that the KHUs will operate as required.

In response to a simulated or actual emergency start signal, the KHU wicket gates open to accelerate the turbine-generator, then throttle back to control the unit at rated speed. During acceleration, friction and electrical load are small in comparison to the motive force applied to the turbine by the flow of water, which means significant repositioning of the wicket gates is necessary. However, the wicket gates are massive and cannot respond instantly. Therefore, overshoot occurs during startup as a physical consequence of the equipment design and the requirement to accelerate to rated speed within a short time (23 seconds in accordance with SR 3.8.1.9.a). This overshoot, which cannot be prevented during startup with the current design, has been a characteristic of KHU operation since original construction.

3.0 EVALUATION

When the staff approved Amendment Nos. 232, 232, and 231 for Oconee Units 1, 2, and 3, respectively, on September 4, 1998, one of the requirements of SR 3.7.1.11 was that the annual test verify each KHU can attain rated speed and voltage within 23 seconds of an emergency start signal. No limits on the speed or voltage were incorporated into the TS by these amendments because no such limits existed in the TS it was replacing and such a change had not been requested by the licensee. During the subsequent conversion of the Oconee TS to the Improved TS (ITS), limits on the upper and lower frequency and voltage were incorporated into Section 3.8 (Section 3.7 was changed to Section 3.8). The ITS were approved on December 16, 1998, as Amendment Nos. 300, 300, and 300 for Oconee Units 1, 2, and 3, respectively. The Justification for Deviations associated with ITS Section 3.8 indicated that these modifications were made for consistency with the ITS Writer's Guide and ITS convention program, but there was no indication of an intent to modify the technical requirements of the SR. Therefore, Duke believed that the limits associated with KHU voltage and frequency had been added for consistency with ITS conventions. Moreover, Duke believed the modifications did not represent a change to the previous testing requirements or to the KHU licensing basis.

Since conversion to the ITS, annual SR 3.8.1.9.a has required verification on an actual or simulated emergency actuation signal that each KHU automatically starts and achieves an output frequency ≥ 57 Hertz (Hz) and ≤ 63 Hz and an output voltage ≥ 13.5 kilo-volts (kV) and ≤ 14.49 kV in ≤ 23 seconds. When a KHU is started, it reaches rated frequency and voltage within the required 23 seconds. However, as explained above, the speed continues to increase due to the overshoot characteristics of the KHUs, causing the frequency and voltage to exceed the limits specified in the SR for a short period of time (approximately 9 seconds). Following this brief overshoot, within approximately 26 seconds after the emergency start signal is received, the frequency and voltage return to within the limits specified in SR 3.8.1.9.a. This is consistent with the licensee's interpretation of the SR.

However, as a result of recent discussions between the licensee and the staff, it became clear that interpretation differences existed concerning this SR. The staff considered the upper and lower limits given in the SR to be the values necessary to ensure operability of the KHUs, values which should not be exceeded. Given this interpretation by the staff and the overshoot characteristics of the KHUs, this SR cannot be met. The staff informed the licensee of this interpretation in a telephone conference call on September 5, 2000. Based on this information, Duke concluded that Oconee Units 1, 2 and 3 were not in compliance with SR 3.8.1.9.a because the frequency and voltage exceeded the upper limit specified in the SR during an actual or simulated emergency actuation signal. The licensee stated that the KHUs were, therefore, considered to be inoperable and that TS 3.0.3 required shutdown of the three Oconee units. Following further discussions with the staff, the licensee was granted a Notice of Enforcement Discretion (NOED) verbally on September 5, 2000, and by letter dated September 8, 2000. The NOED will remain in effect pending review of these amendments modifying the SR.

By letter dated September 7, 2000, the licensee requested that the following note be added to SR 3.8.1.9.a:

The upper limits on KHU frequency and voltage are not required to be met until the NRC issues an amendment that removes this note (license amendment request to be submitted no later than April 5, 2001).

This note implements the same change to the SR that was granted in the NOED and will remain in effect until the licensee completes the necessary engineering studies to determine the appropriate changes to the SR to improve the annual surveillance criteria that are acceptable to the staff. The April 5, 2001, date allows time to complete these studies and submit the application for this TS change. Other KHU tests currently prescribed are not affected by this proposed TS change and will continue.

Routine testing of the KHUs in accordance with SR 3.8.1.9.a is conducted to confirm that the KHUs will start and are capable of accepting load as delineated in the Updated Final Safety Analysis Report (UFSAR) Section 6.3.3.3, Loss of Normal Power Source. Duke believes that the present testing program shows that the KHUs are capable of meeting their design basis requirements to accept loads within 23 seconds. In addition, monthly testing of each KHU is performed to confirm the operability of the KHUs and includes verification that the KHUs operate within steady-state voltage and frequency limits. These steady-state limits are identical to the frequency and voltage limits contained in SR 3.8.1.9.a. Even though the KHUs cannot meet the upper voltage and frequency limits associated with the requirements of SR 3.8.1.9.a during startup as interpreted by the staff, the licensee has determined that the KHUs would function as intended to mitigate accident scenarios.

The licensee has performed an extensive review of the emergency power system design and determined that no credible single failure exists that would cause an extended out-of-tolerance frequency condition to exist. In addition, circuitry has been added to the KHUs that will prevent a unit from loading in the event of a runaway governor. This modification was reviewed and approved by the staff in the amendments dated August 15, 1995.

Based on its review of the information supplied by the licensee, the staff has concluded that temporary removal of the upper frequency and voltage limits from the annual KHU surveillance test is acceptable since there is no increase in risk associated with this action. The present testing program has been shown to be adequate to ensure operability of the KHUs. In addition, it is acceptable that the condition continue until such time as an engineering evaluation can be performed by the licensee to determine the most appropriate changes to the SR that will provide final resolution of this issue. In order to allow time for the licensee to perform this detailed engineering evaluation, the note added to the SR that also requires an amendment request resulting from this evaluation be submitted by April 5, 2001, is appropriate.

4.0 EXIGENT CIRCUMSTANCES

On September 5, 2000, when the staff informed the licensee of its conclusion that the licensee's interpretation of SR 3.8.1.9.a was incorrect, Oconee Units 1, 2, and 3 were in non-compliance with the TS. As a result, following discussions with the licensee, the staff issued a NOED. The related amendment request was submitted by the licensee on September 7, 2000.

These amendments complete the review process and implement the proposed TS change for Oconee Units 1, 2, and 3, pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section VII.c, of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, for processing NOEDs. The staff has determined that, since the TS requires the three Oconee units to be shut down because the KHU surveillance criteria cannot be met, and in light of the NOED, issuance of these amendments is needed in less than the 30-day comment period normally allowed for processing amendments to the TS. The licensee promptly submitted its application letter after being advised of the staff's interpretation of the testing criteria contained in SR 3.8.1.9.a. Therefore, pursuant to 10 CFR 50.91(a)(6), the staff has determined that exigent circumstances exist in that the Commission and licensee need to act promptly and time does not permit the Commission to publish a *Federal Register* notice allowing 30 days for prior public comment. The staff also concludes that the licensee has used its best efforts to make a timely application for an amendment, and has not acted to create the exigency to take advantage of this procedure.

Under exigent circumstances, the Commission notifies the public in one of two ways: by issuing a *Federal Register* notice providing an opportunity for hearing and allowing at least 2 weeks for prior public comments, or by using the local media to provide reasonable notice to the public in the area surrounding the licensee's facility. In this case the Commission used the first approach. On September 19, 2000, the *Federal Register* notice of the proposed no significant hazards consideration was published to seek public comments on the proposed determination (65 FR 56600). There have been no public comments on that proposed finding.

5.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION

The Commission's regulations in 10 CFR 50.92 state that the Commission may make a final determination that license amendments involve no significant hazards consideration if operation of the facility, in accordance with the proposed amendments, would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below.

This [analysis] ensures that operation of the facility in accordance with the proposed amendment would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

No. The License Amendment Request (LAR) involves adding a note to Surveillance Requirement (SR) 3.8.1.9[a] to waive the surveillance requirements associated with the upper limits for KHU [Keowee Hydro Unit] voltage and frequency. The waiver of these requirements will allow Duke to avoid an unplanned forced shutdown of all three Oconee units, and the potential safety consequences and operational risks associated with that action. It will also provide an opportunity for Duke to work with the NRC to resolve any technical concerns.

This LAR involves an interpretation issue, rather than the inability of the KHU to perform its intended safety function.

Waiving the requirements to meet the upper voltage and frequency limits associated with SR 3.8.1.9.a does not involve: 1) a physical alteration to the Oconee Units; 2) the installation of new or different equipment; 3) operating any installed equipment in a new or different manner; or 4) a change to any set points for parameters which initiate protective or mitigative action.

There is no adverse impact on containment integrity, radiological release pathways, fuel design, filtration systems, main steam relief valve set points, or radwaste systems. No new radiological release pathways are created.

Therefore, the probability or consequences of an accident previously evaluated is not significantly increased.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

No. The LAR involves adding a note to allow for a temporary waiver of [the upper voltage and frequency limits of] SR 3.8.1.9.a associated with the KHUs.

Waiver of this surveillance requirement does not involve a physical effect on the unit, nor is there any increased risk of a unit trip or reactivity excursion. No new failure modes or credible accident scenarios are postulated from this activity.

Therefore, the possibility of a new or different kind of accident from any kind of accident previously evaluated is not created.

3. Involve a significant reduction in a margin of safety.

No. The LAR involves adding a note to allow waiver of the requirements to meet [the upper voltage and frequency limits of] SR 3.8.1.9.a. Temporarily waiving the requirement to meet this [upper voltage and frequency limits of this] SR will allow Duke to avoid an unplanned forced shutdown of all three Oconee Units and the potential safety consequences and operational risks associated with that action. It will also allow Duke the opportunity to work with the NRC to resolve any technical concerns.

Temporarily waiving the requirement to meet the upper voltage and frequency limits associated with SR 3.8.1.9.a does not involve: 1) a physical alteration of the Oconee Units; 2) the installation of new or different equipment; 3) operating any installed equipment in a new or different manner; 4) a change to any set points for parameters which initiate protective or mitigative action; or 5) any impact on the fission product barriers or safety limits.

Therefore, this request does not involve a significant reduction in a margin of safety.

Based on the above considerations, the NRC staff concludes that the amendments meet the three criteria of 10 CFR 50.92. Therefore, the staff has made a final determination that the proposed amendments do not involve a significant hazards consideration.

6.0 STATE CONSULTATION

In accordance with its stated policy, on September 26, 2000, the staff consulted with the South Carolina State official, Mr. Virgil Autry of the Division of Radiological Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, regarding the proposed action. The State official had no comments.

7.0 ENVIRONMENTAL CONSIDERATION

The amendments change surveillance requirements. The NRC staff has determined that the amendments involve no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure. As set forth above, the Commission has made a final determination that the amendments involve no significant hazards consideration. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

8.0 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.

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Oconee Nuclear Station

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