

bcc: HJMcAlduff, ORO
 HMueller, GMR/H
 JAHarris, IS
 CRBuchanan, ORNL
 TWLaughlin, DTIE
 NHGoodrich, ALSBP
 ASRosenthal, ASLAB
 St. George T. Arnold, ORNL

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 MJink (w/2 encl)
 DSkovholt
 PCollins
 Chebron, F&M
 JSaltzman, A&I
 JDelaney
 IAPeltier
 ASchwencer
 EIGoulbourne (2)
 RWade, EP
 DNussbaumer, F&M

Docket No. 50-269

FEB 6 1973

Duke Power Company
 ATTN: Mr. A. C. Thies
 Senior Vice President
 Production and Transmission
 422 South Church Street
 P. O. Box 2178
 Charlotte, North Carolina 28201

Gentlemen:

The Atomic Energy Commission has issued Facility Operating License No. DPR-38 to the Duke Power Company for the Oconee Nuclear Station, Unit 1. This license authorizes Duke Power Company to operate the Oconee Nuclear Station, Unit 1 at 2568 megawatts thermal in accordance with Appendices A and B of the Technical Specifications.

The license complete with Technical Specifications and the related notice which has been forwarded to the Office of the Federal Register for publication, are enclosed.

Two signed copies of Amendment No. 5 to the Indemnity Agreement No. B-44 which covers the activities authorized under License No. DPR-38 are enclosed for your review and acceptance. Please sign and return a copy of the agreement to this office.

Sincerely,

Original Signed by
 R. C. DeYoung

R. C. DeYoung, Assistant Director
 for Pressurized Water Reactors
 Directorate of Licensing

Enclosures:

1. Operating License No. DPR-38
 with Technical Specifications
2. Federal Register Notice
3. Indemnity Agreement No. B-44 (2)

cc's (see attached sheet)

CRESS #01 MC# 223985 1/24/73	OFFICE ▶ SURNAME ▶ DATE ▶	L:PWR-4 EIGoulbourne:jk 1/30/73	L:PWR-4 IAPeltier 1/31/73	L:PWR-4 ASchwencer 1/31/73	OGC JGallo 2/5/73	L:AD/PWRs RCDeYoung 2/5/73	JHendrie 2/5/73
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Duke Power Company

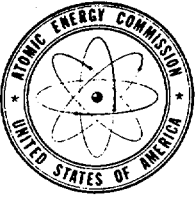
- 2 -

cc: William L. Porter, Esquire
Duke Power Company
P. O. Box 2178
422 South Church Street
Charlotte, North Carolina 28201

Honorable Reese A. Hubbard
County Supervisor of Oconee County
Walhalla, South Carolina 29621

Mr. J. Bonner Manly, Director
State Development Board
Hampton Office Building
Columbia, South Carolina 29202

OFFICE ▶						
SURNAME ▶						
DATE ▶						



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

DUKE POWER COMPANY

(Oconee Nuclear Station, Unit 1)

DOCKET NO. 50-269

FACILITY OPERATING LICENSE

License No. DPR-38

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

- a. The application for license filed by Duke Power Company (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 Power Company 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 Power Company 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 Power Company (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) which is owned by the Duke Power Company. The facility is located on the applicant's site located in eastern Oconee County, about eight miles northeast of Seneca, South Carolina, and is described in the Final Safety Analysis Report and Environmental Report as supplemented and amended.
2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Duke Power Company (the applicant):
 - A. Pursuant to Section 104b of the Atomic Energy Act of 1954, as amended (the Act) and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the facility as a utilization facility at the designated location on the Oconee Nuclear Station site in accordance with the procedures and limitations described in this license;
 - B. Pursuant to the Act and 10 CFR Part 70, "Special Nuclear Material," to receive, possess, and use at any one time up to 4500 kilograms of contained uranium 235 as reactor fuel assemblies and 100 grams of plutonium as Plutonium-Beryllium neutron sources both in connection with operation of the facility;
 - C. Pursuant to the Act and 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess, and use in connection with operation of the facility one or more Americium-Beryllium-Curium neutron sources, the total amount of which will not exceed 1300 curies; 250 microcuries of Cesium 137 as sealed sources, not to exceed 10 microcuries per source; 175 millicuries of Cesium 137 as one sealed source; 30 microcuries of Barium 133 as sealed sources not to exceed 10 microcuries per source; 2500 microcuries of Strontium 90 as sealed sources, not to exceed 100 microcuries per source; 6 curies of Cobalt 60 as four sizes of sealed sources with each source size not to exceed 4 curies, 1 curie, 2 millicuries, and 10 microcuries respectively; 3 millicuries total of any byproduct material with Atomic Nos. 1 through 84 inclusive, in any chemical and/or physical form; and 500 millicuries of Sodium 24 in solution for turbine tests; and

- D. 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 facility.
3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20, Section 30.34 of 10 CFR Part 30, Section 40.41 of 10 CFR Part 40, Section 50.54 and 50.59 of 10 CFR Part 50 and Section 70.32 of 10 CFR Part 70; and 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 below:

A. Maximum Power Level

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

B. Technical Specifications

The Technical Specifications attached hereto as Appendices A and B are hereby incorporated in this license. The applicant shall operate the facility in accordance with these Technical Specifications. No changes shall be made in these Technical Specifications unless authorized by the Commission in accordance with the provisions of Section 50.59 of 10 CFR Part 50.

- C. This license is subject to the following conditions for the protection of the environment:
1. Accumulate information required to establish baselines for the evaluation of thermal, chemical and radiological effects of station operation on terrestrial biota and aquatic biota in Lakes Keowee and Hartwell.
 2. Develop and implement a comprehensive monitoring program that will permit surveillance during plant operation of thermal, chemical, and radiological effects on terrestrial biota and on aquatic biota in Lakes Keowee and Hartwell.

4. This license is effective as of the date of issuance, and shall expire at midnight, November 6, 2007.

FOR THE ATOMIC ENERGY COMMISSION

Original signed by A. Giambusso

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

Attachments:
Appendices A & B - Technical
Specifications

Date of Issuance: **FEB 6 1973**

UNITED STATES ATOMIC ENERGY COMMISSION

DOCKET NO. 50-269

DUKE POWER COMPANY
(Oconee Nuclear Station, Unit 1)

NOTICE OF ISSUANCE OF FACILITY OPERATING LICENSE

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-38 to Duke Power Company (the applicant) which authorizes the applicant to possess, use and operate the Oconee Nuclear Station, Unit 1, a pressurized water reactor, located on the applicant's site in eastern Oconee County, approximately eight miles northeast of Seneca, South Carolina. The applicant is authorized to operate the facility at reactor core power levels not in excess of 2568 megawatts thermal in accordance with the Technical Specifications appended thereto.

On January 8, 1971, a Notice of Proposed Issuance of Facility Operating License was published by the Commission in the FEDERAL REGISTER (36 F.R. 296). The Notice of Proposed Issuance provided that within thirty (30) days from the date of publication in the FEDERAL REGISTER, any person whose interest might be affected by the issuance of a license could file a petition for leave to intervene in accordance with 10 CFR Part 2, "Rules of Practice," of the Commission's rules and regulations. No requests for a hearing or petitions for leave to intervene were filed.

On February 11, 1972, a Supplementary Notice of Proposed Issuance of Facility Operating License was published by the Commission in the FEDERAL REGISTER (37 F.R. 3084). The Supplementary Notice provided an opportunity for hearing with respect to those matters covered by Appendix D of 10 CFR Part 50 and provided that within thirty (30) days from the date of publication in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. No requests for a hearing or petitions for leave to intervene were filed.

In March 1972, the Commission issued the Final Detailed Statement related to the operation of the Oconee Nuclear Station, Units 1, 2 and 3, pursuant to 10 CFR Part 50, Appendix D. A Notice of Availability of the Final Detailed Statement was published in the FEDERAL REGISTER on April 1, 1972 (37 F.R. 6702).

The Commission's regulatory staff has inspected the facility and has determined that for operation as authorized by the license, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-33, the Atomic Energy Act of 1954, as amended, and the Commission's regulations. The applicant has submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Commission's Director of Regulation has made the findings set forth in the license, and has concluded that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1, and that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The license is effective as of the date of issuance and shall expire on November 6, 2007, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

A copy of (1) Facility Operating License No. DPR-38, complete with Technical Specifications, (2) the Final Safety Analysis Report, dated June 2, 1969, (3) the report of the Advisory Committee on Reactor Safeguards, dated September 23, 1970, (4) the Safety Evaluation, dated December 1970; Supplement No. 1 to the Safety Evaluation, dated March 1972; Supplement No. 2 to the Safety Evaluation, dated December 1972; (5) the Draft Detailed Statement, dated December 1971, and (6) the Final Detailed Statement, dated March 1972, and other relevant documents are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. 20545, and at the Oconee County Library, 201 S. Spring Street, Walhalla, South Carolina 29691. Copies of items (1), (4), (5) and (6) may be obtained upon request addressed to the U. S. Atomic Energy Commission, Washington,

D. C. 20545, Attention: Deputy Director for Reactor Projects,
Directorate of Licensing.

Dated at Bethesda, Maryland this 6 day of Feb 1973.

FOR THE ATOMIC ENERGY COMMISSION

Original signed by A. Giambusso

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