

Docket No. 50-269

DEC 31 1970

Duke Power Company
ATTN: Mr. Austin C. Thies
Vice President
Production & Operation
Power Building
422 South Church Street
Charlotte, North Carolina 28201

Gentlemen:

With my letter to you dated October 5, 1970, you were sent a copy of the report from the Advisory Committee on Reactor Safeguards concerning the Committee's review of your application for a license to operate the Oconee Nuclear Station Unit 1 facility at power levels up to 2568 megawatts thermal.

The Atomic Energy Commission has forwarded to the Office of the Federal Register for filing and publication a notice relating to the proposed issuance of a facility operating license which would authorize the Duke Power Company to operate the Oconee Nuclear Station Unit 1 facility. As stated in the notice, initial operation will be restricted to 2452 megawatts thermal. This power level restriction will remain in effect until performance in full conformance with design expectations has been verified to the Commission's satisfaction; upon written notification from the Commission, Duke Power Company will be authorized to operate the facility at steady state power levels not to exceed 2568 megawatts thermal.

The notice refers to the related notice published in the Federal Register on December 29, 1970, in implementation of the recent "practical value" legislation and describes the license conditions which would be imposed if an antitrust review were initiated and the license granted in advance of findings on antitrust matters.

I am enclosing one copy each of the Federal Register notice and the proposed facility license. A related safety evaluation prepared by the Division of Reactor Licensing, and a document entitled "Statement on

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DATE ►						

DEC 31 1970

the Environmental Considerations Relating to the Proposed Operation by Duke Power Company of the Oconee Nuclear Station Unit 1" will be sent to you as soon as available.

Sincerely yours,

Original signed by P. A. Morris

Peter A. Morris, Director
Division of Reactor Licensing

Enclosures:

1. Fed. Reg. Notice
2. Prop. Oper. License

bcc: HJ McAlduff, ORO
EE Hall, GMR/H
EB Tremmel
R Leith, OC
JR Buchanan, ORNL
TW Laughlin, DTIE
AA Wells, ASLB
JJ DiNunno, OEA
J Verme, SMM
DA Nussbaumer, DML
ST Robinson, SECY
JD Saltzman, SLR
GI Ertter
JA Harris, PI

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T149a, R4,5	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	
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UNITED STATES ATOMIC ENERGY COMMISSION

DOCKET NO. 50-269

DUKE POWER COMPANY

NOTICE OF PROPOSED ISSUANCE OF FACILITY OPERATING LICENSE

The U.S. Atomic Energy Commission (the Commission) is considering the issuance of a facility operating license which would authorize Duke Power Company to possess, use, and operate the Oconee Nuclear Station Unit 1 pressurized water nuclear reactor power plant on the applicant's Oconee Nuclear Station site located in eastern Oconee County, approximately eight miles northeast of Seneca, South Carolina. Construction of Unit No. 1 was authorized by Provisional Construction Permit No. CPPR-33 issued by the Commission on November 6, 1967.

The Oconee Nuclear Station Unit 1 would be initially authorized to operate at power levels up to 2452 megawatts thermal. Operation at power levels up to 2568 megawatts thermal would be authorized upon notification by the Commission that performance in full conformance with design expectations has been verified to the Commission's satisfaction. Operation would be authorized only in accordance with the provisions of the license and the Technical Specifications appended thereto.

The Commission has found that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR, Chapter 1.

During construction of the facility, it has been periodically inspected by the Commission. Prior to issuance of the operating license, the facility will be further inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-33. The license will be issued after the Commission makes the findings which are set forth in the proposed license, and concludes that the issuance of this license will not be inimical to the common defense and security or to the health and safety of the public. As a prerequisite to issuance of the license, Duke Power Company will be required to execute an indemnity agreement and furnish proof of financial protection as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In a separate notice published in the Federal Register, on December 29, 1970, entitled "Notice of Receipt of Applications for Facility Operating Licenses," pertaining to this docket and also to Oconee Nuclear Station, Units 2 and 3, Docket Nos. 50-270 and 50-287, the

Commission is advising of certain rights under Subsection 105 c.(3) of the Act, as recently amended (84 Stat. 1472), pertaining to an antitrust review of this application and of those in the dockets referred to above. In the event that such an antitrust review is initiated, the Commission could, pursuant to Subsection 105 c.(8), as amended, issue an operating license in advance of consideration of, and findings with respect to, the antitrust aspects of the application, provided that the license contains appropriate conditions. Such conditions would be substantially as follows:

(a) This license shall be subject to an antitrust review by the Attorney General pursuant to Subsection 105 c. of the Atomic Energy Act of 1954, as amended; (b) Duke Power Company shall furnish to the Commission such information as the Attorney General determines to be appropriate for the conduct of the review and the rendering of his advice with respect to the license; (c) the Commission may hold a hearing on antitrust matters on the recommendation of the Attorney General or at the request of any person whose interest may be affected by the proceeding, and, on the basis of its findings made after such hearing, the Commission will continue, rescind, or amend this license to include such conditions as the Commission deems appropriate; and (d) Duke Power Company shall comply with any order issued or license condition imposed by the Commission pursuant to Subsection 105 c.

of the Atomic Energy Act of 1954, as amended, with respect to the licensed activities.

Within thirty (30) days from the date of publication of this notice in the Federal Register, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed facility operating license, see (1) the application for construction permit and facility license dated November 28, 1966, as amended (Amendment Nos. 7 through 24); (2) the report of the Advisory Committee on Reactor Safeguards on the application for the Oconee Nuclear Station Unit No. 1 facility license, dated September 23, 1970; (3) the proposed facility operating license, including Technical Specifications; and (4) the safety evaluation prepared by the Division of Reactor Licensing, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D. C. Copies of items (2) and (4) above may be obtained upon request addressed

to the U.S. Atomic Energy Commission, Washington, D. C. 20545,

Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 31st day of December, 1970.

FOR THE ATOMIC ENERGY COMMISSION

Original signed by
Frank Schroeder

for Peter A. Morris, Director
Division of Reactor Licensing

DUKE POWER COMPANY

DOCKET NO. 50-269

PROPOSED FACILITY OPERATING LICENSE

License No. DPR-

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

- a. Duke Power Company (the applicant) has submitted to the Commission all technical information required by Provisional Construction Permit No. CPPR-33, the Atomic Energy Act of 1954, as amended (the Act), and the rules and regulations of the Commission to complete the application for a construction permit and facility license dated November 28, 1966, as amended by Amendment Nos. 7 through 24 (the application);
- b. The Oconee Nuclear Station Unit No. 1 (the facility) has been substantially completed in conformity with Provisional Construction Permit No. CPPR-33, the application, 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 facility can be operated

- (a) at steady state power levels up to 2452 megawatts thermal and
- (b) at steady state power levels up to 2568 megawatts thermal, upon satisfactory verification of performance in full conformance with design expectations so as to confirm that the core can be operated safely at such levels in accordance with this license, without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission;
- e. The applicant is technically and financially qualified to engage in the activities authorized by this operating license, in accordance with the rules and regulations of the Commission;
- f. The applicant has furnished proof of financial protection to satisfy the requirements of 10 CFR Part 140: and
- g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Facility Operating License No: DPR- is hereby issued to Duke Power Company, as follows:

1. This license applies to the Oconee Nuclear Station Unit No. 1 nuclear facility, a pressurized water reactor, and associated

steam generators and electric generating equipment (the facility). The facility is located on the applicant's Oconee Nuclear Station site, Oconee County, about eight miles northeast of Seneca, South Carolina, and is described in the Final Facility Description and Safety Analysis Report, as amended (Amendment Nos. 7 through 24).

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Duke Power Company:
 - 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;
 - B. Pursuant to the Act and 10 CFR Part 70, "Special Nuclear Material," to receive, possess, and use at any one time up to 1780 kilograms of contained uranium 235 as nuclear fuel and 80 grams of plutonium as a Plutonium-Beryllium neutron source 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 800 curies; 200 microcuries of Cesium 137 as sealed sources, not to exceed 10 microcuries per source; 20 microcuries of Barium 133 as sealed sources, not to exceed 10 microcuries per source; 2000 microcuries of Strontium 90 as sealed sources, not to exceed 100 microcuries per source; 4 curies of Cobalt 60 as four sizes of sealed sources with each source size not to exceed 3 curies, 0.5 curie, 1 millicurie, 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;

- D. Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the facility.
3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations: 10 CFR Part 20, Section 30.34 of 10 CFR Part 30, Section 40.41 of 10 CFR Part 40, Sections 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

Duke Power Company is authorized to operate the facility at steady state power levels not in excess of 2452 megawatts thermal and will be authorized to operate the facility at steady state power levels not in excess of 2568 megawatts thermal upon notification in writing by the Commission that performance in full conformance with design expectations has been verified to the Commission's satisfaction so as to confirm that the core can be operated safely at the higher power level.

B. Technical Specifications

The Technical Specifications contained in Appendix A attached hereto are hereby incorporated in this license. Duke Power Company shall operate the facility at steady state power levels not in excess of that authorized pursuant to paragraph 3.A, in accordance with the Technical Specifications, and may make changes therein only when authorized by the Commission in accordance with the provisions of Section 50.59 of 10 CFR Part 50.

C. Reports

Duke Power Company shall provide an operational performance evaluation report concerning conformance of performance to design expectations for the Commission's review in connection with paragraph 3.A above, and make certain other reports in accordance with the requirements of the Technical Specifications.

D. Records

Duke Power Company shall keep facility operating records in accordance with the requirements of the Technical Specifications.

4. Duke Power Company shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility. This condition does not apply to radiological effects, which are dealt with in other provisions of this license nor to matters of water quality covered by Section 21 b. of the Federal Water Pollution Control Act.
5. Duke Power Company shall comply with all applicable requirements of Section 21 b. of the Federal Water Pollution Control Act.

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

FOR THE ATOMIC ENERGY COMMISSION

Peter A. Morris, Director
Division of Reactor Licensing

Attachment:
Appendix A - Technical Specifications

Date of Issuance: