

JUNE 27 1983

DISTRIBUTION:

- *Docket File
- NRC PDR
- L PDR
- ORB#4 Rdg
- DEisenhut
- HDenton
- GLainas
- JStolz
- JFSuermann
- RIngram-2
- RAClark
- PKreutzer
- OELD
- LHarmon
- WJones

CMiles
 NSIC
 ACRS-10
 Gray File

DMB 0/6
 *w/cy of NSHC
 determination

DOCKET NO(S) 50-289
 Mr. H. B. Tucker
 Vice President - Nuclear
 Production Department
 Duke Power Company
 P. O. Box 33189
 422 South Church Street, Charlotte, North Carolina 28242
 SUBJECT: OCONEE NUCLEAR STATION, UNIT NO. 1

The following documents concerning our review of the subject facility are transmitted for your information.

- Notice of Receipt of Application.
- Draft/Final Environmental Statement, dated _____.
- Notice of Availability of Draft/Final Environmental Statement, dated _____.
- Safety Evaluation Report, or Supplement No. _____, dated _____.
- Notice of Hearing on Application for Construction Permit.
- Notice of Consideration of Issuance of Facility Operating License.
- Application and Safety Analysis Report, Volume _____.
- Amendment No. _____ to Application/SAR dated _____.
- Construction Permit No. CPPR- _____, Amendment No. _____, dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.

Other (Specify) Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing concerning May 19, 1983, amendment application for TS changes associated with reload for Cycle 8 operation of Unit No. 1

"ORIGINAL SIGNED BY:"

Office of Nuclear Reactor Regulation
 John F. Suermann, Project Manager
 Operating Reactors Branch #4
 Division of Licensing

Enclosures:
 As stated

CC:
 B307180262 B30627
 PDR ADDCK 05000269
 P PDR

*conditional on the insertion
 to the change worked
 to derive the basis for
 the staff's preliminary
 determination done 6/21/83*

OFFICE	ORB#4:DL	ORB#4:DL	C-ORB#4:DL	AD-OR:DL	OELD
SURNAME	RIngram	JFSuermann	cf JStolz	GLainas	R. T. A. W. S. J.
DATE	6/23/83	6/23/83	6/23/83	6/27/83	6/23/83

Duke Power Company

cc w/enclosure(s):

Mr. William L. Porter
Duke Power Company
P. O. Box 33189
422 South Church Street
Charlotte, North Carolina 28242

Office of Intergovernmental Relations
116 West Jones Street
Raleigh, North Carolina 27603

Honorable James M. Phinney
County Supervisor of Oconee County
Walhalla, South Carolina 29621

Mr. James P. O'Reilly, Regional Administrator
U. S. Nuclear Regulatory Commission, Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30303

Heyward G. Shealy, Chief
Bureau of Radiological Health
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Regional Radiation Representative
EPA Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30308

Mr. J. C. Bryant
Senior Resident Inspector
U.S. Nuclear Regulatory Commission
Route 2, Box 610
Seneca, South Carolina 29678

Mr. Robert B. Borsum
Babcock & Wilcox
Nuclear Power Generation Division
Suite 220, 7910 Woodmont Avenue
Bethesda, Maryland 20814

Manager, LIS
NUS Corporation
2536 Countryside Boulevard
Clearwater, Florida 33515

J. Michael McGarry, III, Esq.
DeBevoise & Liberman
1200 17th Street, N.W.
Washington, D. C. 20036

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NO. 50-269NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-38, issued to Duke Power Company (the licensee), for operation of the Oconee Nuclear Station, Unit No. 1 (the facility) located in Oconee County, South Carolina.

In accordance with the licensee's application for amendment dated May 19, 1983, the amendment relates to the Cycle 8 reload and involves numerical changes to the core protection safety limits, the protective system maximum allowable setpoints, and the rod position limits. These limits take into account the incorporation of: (1) four Mark BZ demonstration fuel assemblies for a second cycle of irradiation; and (2) five gadolinia lead test assemblies as part of the batch of fresh fuel used in the reload.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means 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; 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.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). Example iii of the types of amendments not likely to involve significant hazards considerations applies in this case as the reload is for a nuclear power reactor. The licensee has provided an evaluation of the amendment requested against the standards of 10 CFR 50.92 to demonstrate the Commission's Example iii fits the case of this amendment request. The reload does not involve fuel assemblies significantly different from those found previously acceptable to the NRC. No significant changes are being made to the acceptance criteria for the Technical Specifications. The analytical method used to demonstrate conformance with the Technical Specifications and regulations is not significantly changed, and the NRC has previously found the method acceptable. In this reload, out of a total of 177 fuel assemblies to be inserted into the core, five of the fresh batch fuel assemblies are different from the remaining assemblies. These assemblies

are gadolinia lead test assemblies which are part of a joint Duke Power/Babcock and Wilcox/Department of Energy program to develop and demonstrate an advanced fuel assembly design for extended burnup in pressurized water reactors. This program was initiated during earlier reload cycles. The gadolinia fuel assemblies are to be loaded in such a manner as to ensure that there will be no significant effect on the core physics parameters. The fresh batch fuel containing the gadolinia demonstration assemblies has different fuel performance characteristics than the non-gadolinia fuel, but these performance characteristics are not more limiting than the remainder of the core. In addition, four Mark BZ demonstration assemblies containing Zircaloy-4 intermediate spacer grids will be reinserted for a second cycle of irradiation. The Commission proposes to determine that the application does not involve a significant hazards consideration since it appears that the standards of 10 CFR 50.92 are met.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By August 1, 1983 , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has

filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

-7-

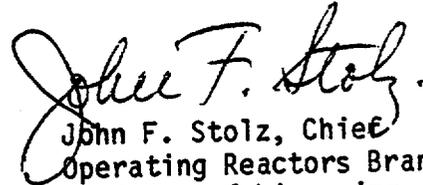
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to J. Michael McGarry, III, DeBevoise & Liberman, 1200 17th Street, N.W., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Dated at Bethesda, Maryland, this 27th day of June 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "John F. Stolz". The signature is written in dark ink and is positioned above the typed name and title.

John F. Stolz, Chief
Operating Reactors Branch #4
Division of Licensing