

May 5, 1989

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

Mr. H. B. Tucker, Vice President
Nuclear Production Department
Duke Power Company
422 South Church Street
Charlotte, North Carolina 28242

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Dear Mr. Tucker:

SUBJECT: REQUEST TO UPDATE 1983 CONFIRMATORY ORDER, OCONEE NUCLEAR STATION,
UNITS 1, 2, AND 3 (TACS 61383, 61384, 61385)

By letter dated November 14, 1985, you requested amendments to Oconee's operating licenses to reflect new implementation schedules for certain NUREG-0737 items based upon their actual implementation or replacement dates which were after the dates specified in the NRC's Confirmatory Order of March 18, 1983. Specifically, you noted that the noble gas stack high range radiation monitors required by NUREG-0737 Item II.F.1(a) had experienced problems with moisture contamination of the cable connectors following initial installation, and you indicated a new schedule to install replacement monitors before or during 1986. Similarly, you noted that NUREG Items II.B.3 (Post-Accident Sampling System) and II.F.1(3) (Reactor Building High Range Radiation Monitors) had already been fully implemented and are operable, although implementation occurred after the date specified by the Order.

The NRC staff has reviewed your request that the Confirmatory Order be revised to reflect the actual implementation dates. Because each of the above items is now installed and currently operable, the proposed change would not serve a purpose commensurate with its associated resource expenditure. Moreover, the record of actual installation is sufficiently reflected by docketed correspondence. Accordingly, we propose to take no further action regarding your request for amendments.

A copy of the Notice of Denial of Amendments, to be published in the Federal Register, is enclosed for your information.

Sincerely, */s/*

David B. Matthews, Director
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
F. R. Notice

cc: See next page

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

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Sincerely,

A handwritten signature in cursive script, appearing to read "D B Matthews".

David B. Matthews, Director
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
F.R. Notice

cc w/encl: See next page

Mr. H. B. Tucker
Duke Power Company

Oconee Nuclear Station
Units Nos. 1, 2 and 3

cc:

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Charlotte, North Carolina 28242

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Duke Power Company
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Atlanta, Georgia 30323

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Bureau of Radiological Health
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

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

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-269, 50-270, AND 50-287NOTICE OF DENIAL OF AMENDMENTS TO FACILITY OPERATING LICENSES
AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by Duke Power Company, (licensee) for amendments to Facility Operating License Nos. DPR-38, DPR-47, and DPR-55 issued to the licensee for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina. Notice of Consideration of Issuance of these amendments was published in the FEDERAL REGISTER on June 18, 1986 (51 FR 22235).

The purpose of the licensee's amendment request was to revise a March 18, 1983, Confirmatory Order to reflect new implementation schedules for certain NUREG-0737 items based upon their actual implementation or replacement dates.

The NRC staff has reviewed the request and determined that since each of the items is now installed and currently operable, the proposed change would not serve a purpose commensurate with its associated resource expenditure. Accordingly, the staff concluded that the licensee's request cannot be granted. The licensee was notified of the Commission's denial of the proposed change by letter dated May 5, 1989 .

By *June 12, 1989*, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission,

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Washington, D.C., 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, and to Mr. A. V. Carr, Esquire, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated November 14, 1985, and (2) the Commission's letter to the licensee dated May 5, 1989 .

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. and at the Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691. A copy of Item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 5th day of May 1989.

FOR THE NUCLEAR REGULATORY COMMISSION



David B. Matthews, Director
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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Dated at Rockville, Maryland, this 5th day of May 1989.

FOR THE NUCLEAR REGULATORY COMMISSION



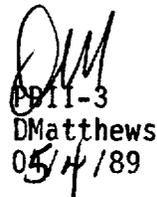
David B. Matthews, Director
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