

April 30, 1997

Mr. J. W. Hampton
Vice President, Oconee Site
Duke Power Company
P. O. Box 1439
Seneca, SC 29679

SUBJECT: OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS (TAC NOS. M98492, M98493, AND M98494)

Dear Mr. Hampton:

The Commission has forwarded the enclosed "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity For a Hearing" to the Office of the Federal Register for publication.

The notice relates to your application dated April 29, 1997, to amend the Oconee Nuclear Station, Units 1, 2, and 3 Operating Licenses to incorporate a License Condition that will allow a revision to the Oconee Updated Final Safety Analysis Report that clarifies the main turbine-generated missile protection criteria.

Sincerely,

ORIGINAL SIGNED BY:

David E. LaBarge, Senior Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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

Enclosure: Notice

cc w/encl: See next page

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

April 30, 1997

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Vice President, Oconee Site
Duke Power Company
P. O. Box 1439
Seneca, SC 29679

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Sincerely,

A handwritten signature in black ink, appearing to read "D. LaBarge".

David E. LaBarge, Senior Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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

Enclosure: Notice

cc w/encl: See next page

Oconee Nuclear Station
Units 1, 2, and 3

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONOCONEE NUCLEAR STATION UNITS 1, 2, AND 3DOCKET NOS. 50-269, 50-270, 50-287NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-38, DPR-47, and DPR-55 issued to Duke Power Company (the licensee) for operation of the Oconee Nuclear Station Units 1, 2, and 3 located in Seneca, South Carolina.

The proposed amendments would add a License Condition to address a revision to the Oconee Updated Final Safety Analysis Report to clarify the main turbine-generated missile protection criteria. The licensee has determined that this clarification is necessary in order to resolve an unreviewed safety question (USQ) related to the design of certain portions of the low pressure service water system piping as it relates to the separation criteria of Regulatory Guide 1.115, Revision 1, and Section 3.5.1.3 of NUREG-0800.

Oconee Unit 2 is currently in a forced outage for repairs on the High Pressure Injection System. It is the staff's position that a plant that is shut down may not restart if a USQ exists. The USQ associated with high trajectory turbine missiles was self-identified within the last 2 weeks as a result of engineering design reviews associated with the Oconee Service Water Project. Prior to the forced shutdown of Unit 2, the licensee aggressively developed a proposed license amendment to resolve the issue. Therefore, the issue could not have been resolved prior to the shutdown and must be resolved

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on an exigent basis so that it does not delay restart of Unit 2 once repairs to the high pressure injection system are completed.

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

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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 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 proposed change has been evaluated against the standards in 10 CFR 50.92 and has been determined to involve no significant hazards considerations, in that operation of the facility in accordance with the proposed amendment would not:

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

No. The proposed license amendment proposes the use of less restrictive guidance with respect to application of the turbine missile design criterion. Oconee's current licensing basis is to protect ES [Emergency Safeguards] equipment against turbine missiles by use of shielding or separation. The proposed changes to the Oconee licensing basis would allow Oconee to use NRC approved methodology, as described in Regulatory Guide 1.115, Revision 1 and NUREG 0800 Revision 2 (for low trajectory turbine missiles) and NUREG 0800 Revision 2 (for high trajectory turbine missiles) in evaluating the credibility and probability of a turbine missile strike on ES equipment prior to imposing a separation or shielding design requirement. If the probability is sufficiently low of a turbine missile strike, then shielding or separation would not be

required. Therefore, the separation and shielding design requirements would only be waived on equipment which has a very low probability of being struck by a turbine missile.

Design to protect ES equipment against a turbine missile as described above is not an accident initiator. In addition, under this new license amendment, some ES equipment would be exempted from separation and shielding design requirements for turbine missiles. The basis for this exemption is that the probability of this equipment being hit by a turbine missile is very low as evaluated through NRC approved methods.

Therefore, based on this analysis and the information presented in Attachment 2 [of the licensee's submittal], the probability or consequences of an accident previously evaluated will not be significantly increased by the proposed change.

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

No. Design to protect ES equipment against a turbine missile as described above is not an accident initiator.

Therefore, based on this analysis and the supporting information in Attachment 2, no new failure modes or credible accident scenarios are postulated.

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

No. Under this new license amendment, some ES equipment would be exempted from separation and shielding design requirements for turbine missiles. The basis for this exemption is that the probability of this equipment being hit by a turbine missile is very low as evaluated through NRC approved methods.

Therefore, based on this analysis and the supporting information in Attachment 2, the margin of safety is not significantly reduced as a result of this proposed amendment.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-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 14-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 in the FEDERAL REGISTER a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 9, 1997, 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina. 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 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 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. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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 immediately 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 request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 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 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Herbert N. Berkow: petitioner's name and telephone number, date petition was mailed, plant name,

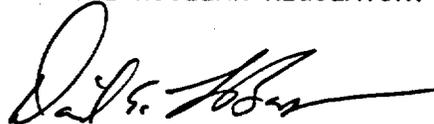
and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC 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 presiding Atomic Safety and Licensing Board that the petition and/or request should be granted 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 dated April 29, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina.

Dated at Rockville, Maryland, this 30th day of April 1997.

FOR THE NUCLEAR REGULATORY COMMISSION



David E. LaBarge, Senior Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation