

December 19, 2007

Mr. Bruce H. Hamilton
Vice President, Oconee Site
Duke Power Company LLC
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3, ISSUANCE OF
AMENDMENTS REGARDING REMOVAL OF THE GASEOUS RADIOACTIVE
MONITOR FROM THE TECHNICAL SPECIFICATIONS (TAC NOS. MD4041,
MD4042, AND MD4043)

Dear Mr. Hamilton:

The Nuclear Regulatory Commission has issued the enclosed Amendment Nos. 359 , 361, and 360 to Renewed Facility Operating Licenses DPR-38, DPR-47, and DPR-55, for the Oconee Nuclear Station, Units 1, 2, and 3, respectively. The amendments consist of changes to the Technical Specifications (TSs) in response to your application dated January 4, 2007, as supplemented November 19, 2007.

These amendments revise the TS by removing the gaseous radioactivity monitor.

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

Leonard N. Olshan, Sr. Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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

Enclosures:

1. Amendment No.359 to DPR-38
2. Amendment No.361 to DPR-47
3. Amendment No.360 to DPR-55
4. Safety Evaluation

cc w/encls: See next page

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| NAME | LOlshan | MO'Brien | DHarrison | TKobetz | | EMarinos |
| DATE | 11 / 30 /07 | 11 / 29 /07 | 11/ 30 /07 | 12 / 4 /07 | 12 / 10 /07 | 12 / 17 /07 |

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DUKE POWER COMPANY LLC

DOCKET NO. 50-269

OCONEE NUCLEAR STATION, UNIT 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No.359

Renewed License No. DPR-38

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Oconee Nuclear Station, Unit 1 (the facility), Renewed Facility Operating License No. DPR-38 filed by the Duke Power Company LLC (the licensee), dated January 4, 2007, and supplemented November 19, 2007, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 3.B of Renewed Facility Operating License No. DPR-38 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 359, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Evangelos C. Marinos, Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to Renewed Facility
Operating License No. DPR-38
and the Technical Specifications

Date of Issuance: December 19, 2007

DUKE POWER COMPANY LLC

DOCKET NO. 50-270

OCONEE NUCLEAR STATION, UNIT 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 361

Renewed License No. DPR-47

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Oconee Nuclear Station, Unit 2 (the facility), Renewed Facility Operating License No. DPR-47 filed by the Duke Power Company LLC (the licensee), dated January 4, 2007, and supplemented November 19, 2007, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 3.B of Renewed Facility Operating License No. DPR-47 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 361, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Evangelos C. Marinos, Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to Renewed Facility
Operating License No. DPR-47
and the Technical Specifications

Date of Issuance: December 19, 2007

DUKE POWER COMPANY LLC

DOCKET NO. 50-287

OCONEE NUCLEAR STATION, UNIT 3

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 360

Renewed License No. DPR-55

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Oconee Nuclear Station, Unit 3 (the facility), Renewed Facility Operating License No. DPR-55 filed by the Duke Power Company LLC (the licensee), dated January 4, 2007, and supplemented November 19, 2007, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and Paragraph 3.B of Renewed Facility Operating License No. DPR-55 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 360 , are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Evangelos C. Marinos, Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to Renewed Facility
Operating License No. DPR-55
and the Technical Specifications

Date of Issuance: December 19, 2007

ATTACHMENT TO LICENSE AMENDMENT NO. 359

RENEWED FACILITY OPERATING LICENSE NO. DPR-38

DOCKET NO. 50-269

AND

TO LICENSE AMENDMENT NO. 361

RENEWED FACILITY OPERATING LICENSE NO. DPR-47

DOCKET NO. 50-270

AND

TO LICENSE AMENDMENT NO. 360

RENEWED FACILITY OPERATING LICENSE NO. DPR-55

DOCKET NO. 50-287

Replace the following pages of the Licenses and the Appendix A Technical Specifications (TSs) with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

Licenses

License No. DPR-38, page 3
License No. DPR-47, page 3
License No. DPR-55, page 3

TSs

3.4.15-1
B 3.4.15-1
B 3.4.15-2
B 3.4.15-3
B 3.4.15-4

Insert Pages

Licenses

License No. DPR-38, page 3
License No. DPR-47, page 3
License No. DPR-55, page 3

TSs

3.4.15-1
B 3.4.15-1
B 3.4.15-2
B 3.4.15-3
B 3.4.15-4

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO
AMENDMENT NO. 359 TO RENEWED FACILITY OPERATING LICENSE NO. DPR-38
AMENDMENT NO. 361 TO RENEWED FACILITY OPERATING LICENSE NO. DPR-47
AND
AMENDMENT NO. 360 TO RENEWED FACILITY OPERATING LICENSE NO. DPR-55
DUKE POWER COMPANY LLC
OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3
DOCKET NOS. 50-269, 50-270, AND 50-287

1.0 INTRODUCTION

By application dated January 4, 2007 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML070100399), as supplemented by letter dated November 19, 2007 (ADAMS Accession No. ML073300020), Duke Power Company LLC (Duke, the licensee), requested changes to the Technical Specifications (TSs) for Oconee Nuclear Station, Units 1, 2, and 3 (Oconee 1/2/3). The supplement dated November 19, 2007, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on February 27, 2007 (72 FR 8802).

The proposed changes would remove the radioactive gaseous monitor from the TSs.

2.0 REGULATORY EVALUATION

General Design Criterion 30, "Quality of Reactor Coolant Pressure Boundary," of Appendix A to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, requires that means be provided for detecting and, to the extent practical, identifying the location of the source of reactor coolant leakage. Section 50.36(d)(2)(ii)(A) requires that licensees have a TS limiting condition for operation (LCO) for installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.

3.0 TECHNICAL EVALUATION

TS LCO 3.4.15.b currently states that one containment atmosphere radioactivity monitor (gaseous or particulate) shall be OPERABLE. The analyses for leak-before-break (LBB) credit the capability to detect a 1 gallon-per-minute (gpm) reactor coolant system leak within 1 hour. These LBB analyses have been used to support licensing actions on plant modifications, such as steam generator replacements and the low-pressure injection system cross-connects. The licensee has determined that the gaseous radioactivity monitor is not capable of detecting 1 gpm within 1 hour. Therefore, the licensee has proposed to delete the gaseous radioactivity monitor from TS LCO 3.4.14.b.

The proposed TS LCO 3.4.15.b states that one containment atmosphere particulate radioactivity monitor shall be OPERABLE. The proposed TS LCO 3.4.15.b is more restrictive than the current TS LCO 3.4.15.b, which provided the flexibility of either having the particulate or gaseous radioactivity monitor OPERABLE.

The NRC staff concludes that deleting the gaseous radioactivity monitor from TS LCO 3.4.15.b is acceptable because (1) the gaseous radioactivity monitor is not capable of detecting 1 gpm within 1 hour, and (2) the proposed TS is more restrictive than the current TS.

In addition, the January 4, 2007, submittal proposed a change to the Bases that stated, "Conditions for operability require only that these instruments are in service and have met the acceptance criteria of their respective calibration procedures within the specified test frequency." The Nuclear Regulatory Commission (NRC) staff informed the licensee that this proposed wording was inconsistent with the NRC-accepted definition of operability. Therefore, by letter dated November 19, 2007, the licensee deleted this statement from the Bases.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the South Carolina State official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change a requirement with respect to the installation or use of facility components located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendments involve no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding (72 FR 8802). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there

is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: L. Olshan, DORL/LPL2-1
A. Lewin, DIRS/ITSB

Date: December 19, 2007

Oconee Nuclear Station, Units 1, 2, and 3

cc:

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