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 50-287 Oconee Nuclear Station, Unit 3, Duke Power Co. 05000287

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See Proposed change to Tech Specs

SUBJECT: Application for amends to licenses DPR-38, DPR-47 & DPR-55 clarifying wording for refueling outage surveillance frequencies to indicate surveillances are to be performed on 18-month frequency. *Specs*

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February 2, 1998

U. S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

Subject: Oconee Nuclear Station
Docket Nos. 50-269, -270, -287
Proposed Technical Specification Changes Related
to Enforcement Discretion on Refueling
Outage Frequency Surveillances

Pursuant to 10 CFR 50.90, Attachment 1 provides a proposed amendment to the Oconee Nuclear Station (ONS) Facility Operating Licenses and Technical Specifications. Attachment 2 provides a marked up copy of the current Technical Specifications. The proposed Technical Specification changes are administrative in nature. The current Technical Specification wording for refueling outage surveillance frequencies is clarified to indicate that these surveillances are to be performed on an 18 month frequency and need not be constrained to refueling outage conditions.

As a result of forced outages during 1997, certain surveillances for Oconee Unit 2 that can only be performed during a refueling outage will exceed the maximum frequency of 22 months 15 days prior to the start of the Unit 2 refueling outage. On January 15, 1998, Duke submitted a Technical Specification change to justify an extension of these surveillances to support the scheduled refueling outage date of March 13, 1998. The site also has been evaluating the performance of other surveillances at power to assure that the required refueling outage frequency is not exceeded. In discussions with NRR on January 29, 1998, the licensee was informed that the staff's interpretation of Oconee's Technical Specifications is that any surveillance with a refueling outage frequency must be performed only during a literal refueling outage. Thus, any surveillances performed in past forced outages or planned shutdowns would not satisfy the requirements of Technical Specifications. Oconee immediately began to evaluate the impact of the literal interpretation of the Technical Specifications

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with respect to past surveillances done at times other than during a refueling outage.

It should be emphasized that all required Technical Specification surveillances have been performed within the last 22 months 15 days on all three units. Although most surveillances have been performed during a refueling outage, Oconee has identified some surveillances on Oconee Units 2 and 3 that have been performed at times other than during a refueling outage. Thus, use of the staff's literal interpretation of Oconee's surveillance specifications would result in Units 2 and 3 not meeting the maximum surveillance interval of 22 months 15 days. Based on discussions with NRR regarding literal interpretation of the refueling outage surveillances, Oconee entered the appropriate Technical Specifications on Units 2 and 3 at 1245 hours on January 30, 1998. A one hour non-emergency notification was made per 10 CFR 50.72 related to this issue and an LER will be submitted in accordance with 10 CFR 50.73.

Without enforcement discretion, Units 2 and 3 would have been required by Technical Specifications to shut down by 0045 hours on January 31, 1998. Oconee submitted a request for enforcement discretion on January 30, 1998. The licensee held a conference call with NRR and Region II at 1500 hours on January 30, 1998 to discuss its request for enforcement discretion. At 1530 hours on January 30, 1998, NRR granted enforcement discretion and Units 2 and 3 exited the applicable Technical Specification action statements. Oconee also committed to submit proposed Technical Specification changes to resolve this literal compliance issue on February 2, 1998.

The January 30, 1998, Oconee request for enforcement discretion included a draft markup of the Technical Specifications to include a definition of refueling outage surveillances. Please note that the proposed Technical Specification changes provided in Attachment 1 differ significantly from the draft information provided on January 30, 1998. The time constraints associated with the request for enforcement discretion did not allow the site to determine the best method for resolving this literal compliance issue. Oconee has concluded that a complete markup of Section 4 of the Technical Specifications is better than adding a new definition for refueling outage

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surveillance frequencies. The proposed Technical Specification changes were developed based on a review of Oconee's Improved Technical Specifications (ITS) submittal dated October 28, 1997.

The changes proposed by this submittal will impact marked up Technical Specification pages associated with previous submittals. Thus, Oconee will submit revisions to Technical Specification submittals currently under staff review once the NRC approves the changes proposed by this submittal.

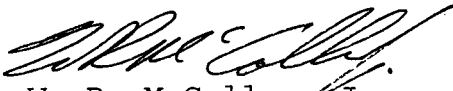
It has been determined that the proposed amendment has no significant hazards considerations. Attachment 3 provides the Technical Justification for the proposed amendment and Attachment 4 provides the No Significant Hazards Consideration Evaluation. The Environmental Impact Analysis is provided in Attachment 5.

This proposed Technical Specification amendment change has been reviewed by both the Plant Operations Review Committee and the Nuclear Safety Review Board. The UFSAR will be updated, as necessary, to reflect the changes associated with this submittal.

It is Duke's understanding that enforcement discretion will remain in effect until the staff completes its review and approves the proposed changes provided by this license amendment. Thus, Duke requests prompt attention to this matter.

A copy of this application is being forwarded to the South Carolina Department of Health and Environmental Control for their review and, as appropriate, subsequent consultation with the staff. Please address any questions to J. E. Burchfield, Jr., at (864) 885-3292.

Very Truly Yours,



W. R. McCollum, Jr., Site Vice President
Oconee Nuclear Site

Attachments

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xc: D. E. LaBarge, ONRR
Project Manager

L. A. Reyes
Regional Administer, Region II

M. A. Scott
Senior Resident Inspector

M. Batavia
DHEC

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W. R. McCollum, Jr., being duly sworn, states that he is Site Vice President of Duke Energy Corporation, that he is authorized on the part of said Company to sign and file with the Nuclear Regulatory Commission this revision to the Oconee Nuclear Station License Nos. DPR-38, DPR-47, and DPR-55; and that all statements and matters set forth therein are true and correct to the best of his knowledge.

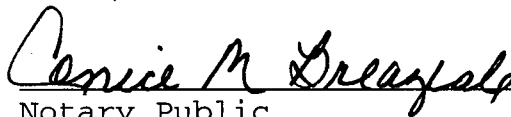


W. R. McCollum, Jr., Site Vice President

Subscribed and sworn to before me

2-2-98

Date



Notary Public

My Commission Expires:

2-13-2003