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 50-270 Oconee Nuclear Station, Unit 2, Duke Power Co. 05000270  
 50-287 Oconee Nuclear Station, Unit 3, Duke Power Co. 05000287  
 AUTH. NAME AUTHOR AFFILIATION  
 PARKER, W.O. Duke Power Co.  
 RECIP. NAME RECIPIENT AFFILIATION  
 DENTON, H.R. Office of Nuclear Reactor Regulation, Director  
 REID, R.W. Operating Reactors Branch 4

SUBJECT: Responds to NRC 800529 request to submit amend to OL  
 revising required reporting requirements to Reg Guide 1.16,  
 Revision 4, Addition of specific request determined  
 unnecessary. Provides discussion supporting determination.

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POWER BUILDING

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WILLIAM O. PARKER, JR.  
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July 31, 1980

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Mr. Harold R. Denton, Director  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Attention: Mr. R. W. Reid, Chief  
Operating Reactors Branch No. 4

Subject: Oconee Nuclear Station  
Docket Nos. 50-269, -270, -287

Dear Sir:

Your letter of May 29, 1980 requested Duke to submit, pursuant to 10CFR Part 50.36(c)(5), an amendment to the Oconee Operating License to revise the required reporting requirements to those of Regulatory Guide 1.16, Revision 4. Duke Power has reviewed this request, as well as the existing reporting requirements of technical specifications and regulations, and has determined that the addition of the specific item requested in your letter is not necessary and may, if included in the Oconee reporting requirements, subject Duke to additional regulatory actions due to its inherent implications and interpretation differences which will result. As such no license amendment incorporating your request is being submitted. The following discussions are provided in support of this determination.

As you are aware Regulatory Guide 1.16 was published, like all Regulatory Guides, to promulgate an acceptable basis for meeting the reporting requirements of Technical Specifications. It has not been revised since 1975 to reflect additional reporting requirements which have been implemented. The Staff is requesting that Item 9 of Section C.2.a of this Regulatory Guide be added to the Oconee reporting requirements. A review of the examples provided by this item shows that Duke has reported and will continue to report similar occurrences under the existing Technical Specifications. It is not considered that any additional reports are explicitly required by this item. However, due to the inherent generality and open-ended phrasing of the following:

"discovery during plant life of conditions not specifically considered in the safety analysis report or technical specifications that require remedial action or corrective measures to prevent the existence or development of an unsafe condition."

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Mr. Harold R. Denton, Director

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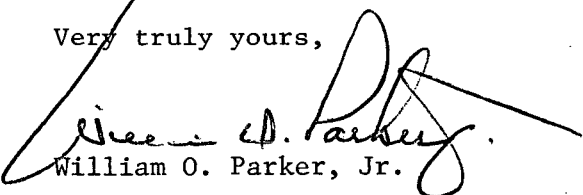
July 31, 1980

numerous reporting requirements may be implicitly required. Duke is concerned that adverse regulatory actions may be taken in instances where we have determined at the time of occurrence that no report is required while the NRC regional office determines, after the fact, that a report was required. This has occurred with existing requirements and has the potential to occur extensively if this reporting requirement were to be included in the Oconee specifications. It is further stated as a note to this item that it ". . . is intended to provide for reporting of potentially generic problems." Reports of this type are presently required by 10CFR Part 21 and it is thus not necessary to duplicate this reporting requirement in the Technical Specifications. Furthermore, the determination of generic implications is not made at the time of occurrence, rather it is made, if at all, during the course of the investigation.

The referenced regulation, 10CFR 50.36(c)(5) requires "reporting necessary to assure operation of the facility in a safe manner." The Staff has not provided any justification to support the conclusion that the existing reporting requirements do not assure operation of the facility in a safe manner, which Duke considers they do; nor has the Staff shown that the requested change will improve the safe operation of the facility. The primary purpose of the request appears to be to make the Oconee reporting requirements identical to Regulatory Guide 1.16, which, due to the implementation of various reporting requirements in the regulations since 1975, is unnecessary.

In summary, it is considered that the existing reporting requirements as contained in the Oconee Technical Specifications, 10CFR Part 21, the immediately effective rule on immediate reporting of significant events issued February 29, 1980, as well as other regulations meet the requirement of 10CFR Part 50.36(c)(5), namely to assure operation of the facility in a safe manner. Duke Power will continue to submit reports as required by Technical Specification, the regulations, and in cases where no reporting requirement explicitly exists, when Duke Power has determined that the reportable item has potential regulatory interest.

Very truly yours,



William O. Parker, Jr.

RLG:scs