



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 228 TO FACILITY OPERATING LICENSE DPR-38

AMENDMENT NO. 229 TO FACILITY OPERATING LICENSE DPR-47

AND AMENDMENT NO. 225 TO FACILITY OPERATING LICENSE DPR-55

DUKE ENERGY CORPORATION

OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3

DOCKET NOS. 50-269, 50-270, AND 50-287

1.0 INTRODUCTION

By letter dated February 2, 1998, as supplemented by letter dated February 18, 1998, Duke Energy Corporation (the licensee) submitted a request for changes to the Oconee Nuclear Station, Units 1, 2, and 3, Technical Specifications (TS). The requested changes would revise the wording that is presently used to specify refueling outage surveillances. The changes would indicate that these surveillances are to be performed on an 18-month frequency and need not be constrained to refueling outage conditions. These changes were addressed in a Notice of Enforcement Discretion (NOED) Number 98-06-001 issued by the staff on February 2, 1998, which is effective until superseded by these amendments.

The February 18, 1998, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

2.0 EVALUATION

The Oconee TS define Refueling Shutdown as a shutdown to replace or rearrange all or a portion of the fuel assemblies and/or control rods. It does not define a refueling outage, but provides in TS 4.0.2 that the maximum duration for the surveillances is 22 months, 15 days. However, there are many surveillance requirements that are to be performed "during refueling outages," which indicates that refueling conditions must exist. The current TS wording is unduly restrictive since it is possible to perform many valid surveillances during plant conditions other than during a refueling outage.

The proposed TS amendments would change the terminology that is presently used to specify when the surveillances are to be performed. This would be accomplished by replacing phrases containing "refueling" terminology such as "refueling outage," "refueling shutdown," or "refueling frequency," with wording that clearly states the required surveillance frequency of 18 months, where such a distinction is appropriate. This would allow credit to be taken for surveillances that are performed at plant conditions other than during refueling outages.

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The maximum interval will continue to be 22 months, 15 days, as specified in TS 4.0.2, for surveillances conducted at 18-month intervals. In addition, a sentence would be added to TS 4.0.2 to indicate that words such as "each" and "every" that are used in some surveillance specifications are not intended to alter the frequencies described in the specifications. In other words, if a specification states that the surveillance must be performed every (or each) 18 months, the surveillance can be performed at any time as long as the duration between the last two surveillances does not exceed 22 months, 15 days. This would clarify that the surveillance need not be performed at exactly 18-month intervals.

In addition to TS 4.0.2, the licensee proposed changes to the following TS sections to replace the refueling outage surveillance intervals with 18-month intervals: (1) Table 4.1-1, Item Numbers 7, 8, 9, 10, 11, 12, 13, 15a, 15b, 17a, 17b, 19, 21, 22, 23, 24, 25a, 25b, 26, 27, 29, 30, 33, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52a, 53a, 54, 56, 58, 59, 60, and 61; (2) Table 4.1-2, Item Numbers 2, 3, 7, 11, and Note 4; (3) TS 4.2.6.b, TS 4.4.3.1, TS 4.4.3.2.b, TS 4.4.4.3, 4.5.1.1.1.a, and 4.5.1.1.2.a; (4) Note 1 at the bottom of TS Page 4.5-1; (5) TS 4.5.1.1.3.a, 4.5.1.2.1.b, 4.5.2.1.1.a(1), 4.5.2.1.2.a, 4.5.3.1.a, 4.5.3 Bases, 4.5.4.1.b, 4.5.4.1.c.1, 4.5.4.1.e, 4.5.5.2, and 4.6.4; (6) TS 4.7.1, Specification c; (7) Specification 4.8 and 4.8 Bases; (8) TS 4.9.3, 4.12.1.b, 4.12.2, and 4.12 Bases; (9) TS 4.14.1.b, 4.14.1.c.1, 4.14.1.e, 4.18.1(3)(a), 4.18.3, 4.18 Bases; and (10) Table 4.20-1, Item Numbers 1, 2, 3, 4, 6, and Note (2). Also, "RF - Refueling Outage" would be deleted from the list of acronyms at the end of Table 4.1-1.

The proposed changes are consistent with the Oconee Improved Technical Specifications (ITS), that were written using the guidance in NUREG-1430, Revision 1, and submitted by letter dated October 28, 1997. This submittal is under staff review.

The proposed changes are limited to clarifying surveillance intervals and do not modify every usage of wording that refers to refueling conditions or refueling activities. Some TS requirements are event-driven rather than frequency-driven. Other TS clearly indicate that testing may be performed during plant conditions other than refueling outages.

The staff finds the proposed changes acceptable since they are consistent with the standard TS for Oconee, more clearly specify and identify the frequency rather than the plant condition for performing the surveillances, do not alter the maximum frequency (22 months, 15 days in accordance with TS 4.0.2) at which frequency many of the tests have been performed in the past, and will not adversely impact public health and safety.

3.0 EXIGENT CIRCUMSTANCES

The Commission's regulations, 10 CFR 50.91, contain provisions for issuance of amendments when the usual 30-day public notice period cannot be met. One type of special exception is an exigency. An exigency is a case where the Commission and licensee need to act promptly and time does not permit the Commission to publish a Federal Register notice allowing 30 days for prior public comment, and it is determined that the amendment involves no significant hazards consideration.

Under such circumstances, the Commission notifies the public in one of two ways: by using a Federal Register notice providing an opportunity for hearing and allowing at least 2 weeks for prior public comments, or by issuing a press release discussing the proposed changes, using the local media. In this case, the Commission used the first approach.

The licensee submitted the request for amendments on February 2, 1998. It was noticed in the Federal Register on February 10, 1998 (63 FR 6784), at which time the staff proposed a no significant hazards consideration determination. The licensee requested that the amendments be issued on an exigent basis in accordance with the staff policy for processing a NOED.

The original Oconee TS required that certain surveillances be performed annually and, therefore, were not constrained to performance with a unit in the refueling condition. As a result, the licensee has not interpreted a surveillance that is specified to be performed at refueling outage frequency as meaning that the unit must be in a refueling outage to satisfy the requirement. Therefore, some surveillances specified at a refueling outage frequency were performed at times other than during a refueling outage. In discussions with the NRC staff on January 29, 1998, the licensee was informed of the staff's interpretation of Oconee's TS that concluded any surveillance that was specified to be performed during refueling outages must be performed with the unit in a refueling outage. Thus, any surveillances performed at power, in past forced outages, or during planned shutdowns, would not satisfy the TS requirements.

Prior to January 29, 1998, the licensee did not recognize that terminology specifying the frequency of surveillances (i.e., the refueling outage frequency established in the surveillance specifications) also defined the condition at which the surveillance must be performed. Once notified of this requirement, the licensee immediately began to evaluate the impact of this interpretation of the TS. On January 30, 1998, the licensee confirmed that certain surveillances had been performed at times other than during a refueling outage and that implementation of the staff's interpretation of the surveillances designated in the TS as "refueling outage" would result in exceeding the time constraints allowed in the TS for these surveillances and, in accordance with TS 3.0, would result in the forced shutdown of Units 2 and 3 and interfere with the planned startup of Unit 1. When these findings were discussed with the staff on January 30, 1998, an NOED was issued verbally, which allowed the exercise of discretion not to enforce compliance with TS 3.0 for these surveillances for the period from 3:30 p.m. on January 30, 1998, until issuance of these amendments. The NOED was confirmed in writing on February 2, 1998.

These amendments complete the review process and implement the proposed TS changes, pursuant to the NRC's policy regarding exercising discretion for an operating facility set out in Section VII.c of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, for processing NOEDs. The staff has determined that, because compliance with the refueling outage surveillances would necessitate either plant shutdown or delayed startup, and in light of the NOED, issuance of these amendments is needed in less than the 30-day comment period normally allowed for processing amendments to the TS. The licensee promptly submitted its application letter after being advised of the staff's interpretation of the surveillance TS. Therefore, pursuant to 10 CFR 50.9(a)(6), the staff has determined that exigent circumstances exist and the amendments are being processed accordingly.

4.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

The Commission's regulations in 10 CFR 50.92, state that the Commission may make a final determination that license amendments involve no significant hazards consideration if 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, in that operation of the facility in accordance with the proposed amendment would not:

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

No. The proposed change will revise the surveillance requirements for selected surveillances which have a refueling outage surveillance frequency with a maximum interval of 22 months and 15 days. The proposed change will replace the refueling outage requirement with a comparable requirement to perform the surveillance every 18 months which has a maximum interval of 22 months and 15 days. The proposed change does not increase the maximum interval between surveillances and does not change any surveillance acceptance criteria. Thus, the probability and consequences of an accident previously evaluated will not be significantly increased.

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

No. Since the proposed change does not increase the maximum interval between surveillances and does not change any surveillance acceptance criteria, a new or different kind of accident from the accidents which were previously evaluated will not occur.

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

No. The margin of safety will not be significantly reduced by this amendment request because the maximum interval between the surveillances and the surveillance acceptance criteria are not changed. Thus, the operability of the plant equipment and systems will be verified within the same surveillance interval and to the same acceptance criteria.

Based on the above considerations, the NRC staff concludes that the amendments meet the three criteria of 10 CFR 50.92. Therefore, the staff has made a final determination that the proposed amendments do not involve a significant hazards consideration.

5.0 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.

6.0 ENVIRONMENTAL CONSIDERATION

The amendments change surveillance requirements. 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 made a final finding that the amendments involve no significant hazards consideration. 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.

7.0 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.

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