

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE ENERGY CORPORATIONDOCKET 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 Energy Corporation (the licensee) for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Seneca, South Carolina.

The proposed amendments would incorporate a License Condition that would allow a revision to the Oconee Updated Final Safety Analysis Report that addresses potential plant conditions that could occur during engineered safeguards functional tests of the emergency electrical system. These tests are planned to be performed on Unit 3, with Unit 3 in the cold shutdown condition, and Units 1 and 2 operating at power. If an actual loss-of-coolant accident with loss of offsite power were to occur on Unit 1 or 2, simultaneously with test initiation on Unit 3, the Emergency Power System would be placed in a condition outside the present design basis. In addition, the requirements of Selected Licensee Commitment 16.5.5, Shutdown Cooling Requirements, will not be met during the tests, when power is intentionally interrupted to the low pressure injection pumps. The tests are scheduled to be performed in November 1998, during the Unit 3 refueling outage. The proposed changes address an unreviewed safety question that requires prior NRC approval before implementation.

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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.

The Commission has made a proposed determination 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:

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

No. For this test, the affected unit is Oconee 3 which will be in a post refueling shutdown condition. All safety functions for maintaining safe shutdown of the unit are available. The UFSAR [Updated Final Safety Analysis Report] Loss of Electric Power accident assumes two types of events: (1) Loss of load and (2) Loss of all system and station power. Since Unit 3 will be shutdown during performance of this test, a unit trip cannot occur. Nothing associated with this test will result in a significant increase in the likelihood of a loss of all systems and station power since both Keowee units and the switchyard will remain available. In addition, the gas turbines at Lee Steam station will be available and the SSF [Standby Shutdown Facility] diesel will be operable. The loss of all station power accident analysis assumptions are still valid. Additionally, since the switchyard will remain energized and available, offsite power can quickly be reconnected to the plant. Core uncover and possible fuel damage is not considered a concern during the performance of this test.

Oconee Units 1 and 2 will continue to operate as normal during this test, and should be unaffected. The intentional and controlled interruption of power to the Oconee Unit 3 auxiliaries, including decay heat removal (DHR) systems will not effect the two operating units. There are no reactor trip, shutdown margin or reactivity management concerns on either of the operating units.

The Keowee units provide the main source of emergency power for the Oconee units, but they are not accident initiators. This test has no adverse impact on the ability of the Keowee units to satisfy their design requirements of achieving rated speed and voltage within 23 seconds of receipt of an emergency start signal.

Although not a design basis accident, a hypothetical station blackout condition where all offsite power and the Keowee units are lost is described in the UFSAR. As detailed above, this test will not deenergize the switchyard or remove the Keowee units. Thus, emergency power systems will remain available, as well as the standby shutdown facility (SSF) diesel, and there is no significant increase in likelihood of a station blackout. The performance of this test does not affect the probability of an accident evaluated in the UFSAR (LOOP [Loss of Offsite Power], LOCA [Loss-of-Coolant Accident], and LOCA/LOOP) occurring on an operating unit.

In the extremely unlikely ($2E-9$) event that a real LOCA/LOOP were to occur on either of the operating units simultaneously with test initiation (simulated LOCA/LOOP) on Unit 3, the Oconee Emergency Power System would be placed in a condition outside the design bases. The Emergency Power System may not be capable of handling the electrical loading of two instantaneous LOCA/LOOP events without some safety related equipment being adversely affected, i.e. tripping off, experiencing low voltage, etc. Therefore, an infinitesimally small, but non-zero, increase in the probability of a malfunction of equipment important to safety AND the potential consequences of a LOCA/LOOP event is created by the test. Additionally, the requirements of Selected Licensee Commitment 16.5.5 Shutdown Cooling Requirements (RCS [Reactor Coolant System] Loops not full and Fuel Transfer Canal is not full) will not be met during each test when power is intentionally interrupted to the LPI [Low Pressure Injection] pumps during the simulated LOOP and again during the dead bus transfer back to the unit startup transformer. However, the chances of an actual LOCA/LOOP occurring on one of the operating units during the short interval of performance of this test has been shown to be insignificant.

There is no adverse impact on containment integrity, radiological release pathways, fuel design, filtration systems, main steam relief valve setpoints, or radwaste systems. Therefore, based on the probabilistic risk assessment (PRA) analysis and information presented in the Safety Analysis Section of [the licensee's] submittal, the probability or consequences of an accident previously evaluated will not be significantly increased by the proposed test and related UFSAR change.

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

No. The emergency power systems will remain operable and available to mitigate accidents. Unit 3 will already be in a shutdown condition, so there is no risk of an Oconee Unit 3 trip, challenge to the reactor protective system (RPS), and LOCA/LOOP scenarios, and most UFSAR analyzed accident scenarios do not apply to it. Since Unit 3 will have been shutdown for greater than 30 days and be in a post refueling condition, the decay heat loads are relatively low. Additionally, on Oconee Unit 3, while the vessel head will be on and intact and with fuel in the core when ECCS [Emergency Core Cooling System] injection occurs, the steam generator hand holds and one pressurizer safety valve will be removed. This arrangement precludes any potential for low temperature overpressurization (LTOP) problems. The suction source for the injection systems will be the BWST [Borated Water Storage Tank] which contains highly borated water at > 75 F. Thus there are no reactivity management or 10 CFR [Part] 50 Appendix G (NDTT [nil-ductility transition temperature]) concerns. The test injection flow rates are insignificant compared to those required to cause fuel assembly/control rod lift.

Oconee Units 1 and 2 will continue to operate as normal during this test, and should be unaffected. The intentional and controlled interruption of power to the Oconee Unit 3 auxiliaries, including decay heat removal (DHR) systems will not affect the two operating units. There are no reactor trip, shutdown margin or reactivity management concerns on either of the operating units.

Preplanning, use of dedicated operators, and independent verification will be employed during critical test phases.

As addressed in question 1 above, in the extremely unlikely ($2E-9$) event that a real LOCA/LOOP were to occur on either of the operating units simultaneously with test initiation (simulated LOCA/LOOP) on Unit 3, the Oconee Emergency Power System would be placed in a condition outside the design bases. Therefore, an infinitesimally small, but still non-zero, increase in the probability of a malfunction of equipment important to safety AND the potential consequences of a LOCA/LOOP event is created by the test and related UFSAR change. However, based on the supporting information in the PRA calculation and the supporting Safety Analysis, no new significant failure modes or credible accident scenarios are postulated.

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

No. No function of any safety related emergency power system/component will be adversely affected or degraded as a result of this test. No safety parameters, setpoints, or design limits are adversely affected. For this test, Unit 3 will be in a shutdown condition, so there is no risk of an Oconee Unit 3 trip, challenge to the reactor protective system (RPS), LOCA/LOOP scenarios, and most UFSAR analyzed accident scenarios. Strictly per the Technical Specifications, emergency

core cooling systems (ECCS) and auxiliary power systems are not required on a unit with RCS temperature less than 200°F. However, both the emergency power and DHR systems will remain available during the test. Decay heat removal will only be briefly interrupted during the simulated LOCA/LOOP portions of the test. Since Unit 3 will be shutdown for greater than 30 days at the time of the test, the decay heat loads will be relatively low, and compensatory measures will be in place to ensure heat removal capability can be regained in a timely manner. Additionally, while the vessel head will be in place and torqued and fuel will be in the core on Oconee Unit 3 when ECCS injection occurs, the steam generator hand holes and one pressurizer safety valve will be removed.

Oconee Units 1 and 2 will continue to operate as normal during this test, and should be unaffected. The intentional and controlled interruption of power to the Oconee Unit 3 auxiliaries, including decay heat removal (DHR) systems will not affect the two operating units. There are no significant reactor trip, shutdown margin or reactivity management concerns on either of the operating units.

There is no adverse impact to the nuclear fuel, cladding, RCS, or required containment systems. Therefore, the margin of safety is not significantly reduced as a result of this test.

Duke has concluded based on the above information that there are no significant hazards considerations involved in this amendment request.

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 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 30-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 amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve 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 and provide for opportunity for a hearing after 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 and Directives Branch, Division of Administrative 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 6D59, 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 October 30, 1998, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 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 amendments 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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 amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

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: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. 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 amendments dated September 17, 1998, 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 24th day of September 1998.

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