



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 194 TO FACILITY OPERATING LICENSE DPR-38

AMENDMENT NO. 194 TO FACILITY OPERATING LICENSE DPR-47

AMENDMENT NO. 191 TO FACILITY OPERATING LICENSE DPR-55

DUKE POWER COMPANY

OCONEE NUCLEAR STATION, UNITS 1, 2 AND 3

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

1.0 INTRODUCTION

By letter dated January 16, 1991, as supplemented December 9, 1991, and March 26, 1992, the Duke Power Company (the licensee) submitted a request for changes to the Oconee Nuclear Station, Units 1, 2, and 3, Technical Specifications (TSs). The requested changes would replace the existing license conditions on fire protection with the standard conditions noted in Generic Letter (GL) 86-10, "Implementation of Fire Protection Requirements." The proposed amendments would remove TS requirements for fire detection systems, fire suppression systems, fire barriers, fire brigade staffing, and special reporting and add administrative controls based on guidance identified in NRC GL 88-12, "Removal of Fire Protection Requirements from the Technical Specifications." The December 9, 1991, and March 26, 1992, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

Specifically, the requested changes would replace license conditions related to fire protection (Paragraph 3E) of Facility Operating Licenses DPR-38, DPR-47, and DPR-55 with a standard condition that states:

Duke Power Company shall implement and maintain in effect all provisions of the approved fire protection programs as described in the Final Safety Analysis Report for the facility and as approved in the SER dated August 11, 1978, and April 28, 1983; October 5, 1978 and June 9, 1981 Supplements to the SER dated August 11, 1978; and Exemptions dated February 2, 1982; August 31, 1983; December 27, 1984; December 5, 1988; and August 21, 1989 subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

The proposed amendments would relocate the following to Chapter 16 of the Final Safety Analysis Report (FSAR): TS 3.17, Fire Protection and Detection Systems, associated Table 3.17.1, and related bases; TS 4.19, Fire Protection and Detection Systems; Fire Protection reporting requirements; and requirement 7 on page 6.1-6a addressing fire brigade staffing. In addition, the proposed change would delete TS 6.6.3.d on special reporting, add new TS 6.1.3.3.i to require

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a review of proposed changes to the Fire Protection Program by the Nuclear Safety Review Board, and relabel requirements in TS 6.6.3 and on page 6.1-6a for consistency.

The existing administrative controls related to fire protection audits and any other TS related to the capability for shutdown following a fire will remain in the TSs. Currently, TS 6.1.2.1.j provides for an independent fire protection and loss prevention inspection and audit by qualified off-site personnel and by a consultant. Further, proposed TS 6.1.3.3.i requires that any proposed changes be reported and independently evaluated by the Nuclear Safety Review Board (NSRB).

## 2.0 BACKGROUND

Following the fire at the Browns Ferry Nuclear Power Plant on March 22, 1975, the Commission undertook a number of actions to ensure that improvements were implemented in the Fire Protection Programs for all power reactor facilities. Because of the extensive modification of Fire Protection Programs and the number of open issues resulting from staff evaluations, a number of revisions and alterations occurred in these programs over the years. Consequently, on April 24, 1986, licensees were requested by Generic Letter 86-10 to incorporate the final NRC-approved Fire Protection Program in their FSARs. In this manner, the Fire Protection Program -- including the systems, the administrative and technical controls, the organization, and other plant features associated with fire protection -- would have a status consistent with that of other plant features described in the FSAR. In addition, the Commission concluded that a standard license condition, requiring compliance with the provisions of the Fire Protection Program as described in the FSAR, should be used to ensure uniform enforcement of fire protection requirements. Finally, the Commission stated that with the requested actions, licensees may request an amendment to delete the fire protection TSs that would now be unnecessary.

The licensees for the Callaway and Wolf Creek plants submitted lead-plant proposals to remove fire protection requirements from their TSs. This action was an industry effort to obtain NRC guidance on an acceptable format for license amendment requests to remove fire protection requirements from TSs.

Additionally, in the licensing review of new plants, the NRC staff has approved applicant requests to remove fire protection requirements from TSs issued with the operating license. Thus, on the basis of the lead-plant proposals and the staff's experience with TSs for new licenses, Generic Letter 88-12 was issued to provide guidance on removing fire protection requirements from TSs. By letter dated January 16, 1991, the licensee responded to Generic Letter 88-12. The amendment request is deemed to be in accordance with the generic letter. Additionally, revised FSAR pages were included in the January 16, 1991, letter to incorporate, by reference, the approved fire protection program as well as the operational conditions, remedial actions and test requirements for fire protection systems and the fire brigade staffing requirements that had been formerly included in the plant TSs.

### 3.0 EVALUATION

Generic Letter 86-10 recommended the removal of fire protection requirements from the TSs. Although a comprehensive Fire Protection Program is essential to plant safety, the basis for this recommendation is that many details of this program that are currently addressed in the TSs can be modified without affecting nuclear safety. Such modifications can be made provided that there are suitable administrative controls over these changes. These details, that are presently included in TSs and which are removed by these amendments, do not constitute performance requirements necessary to ensure safe operation of the facility and, therefore, do not warrant being included in the TSs. At the same time, suitable administrative controls ensure that there will be careful review and analysis by competent individuals of any changes in the Fire Protection Program, including those technical and administrative requirements removed from the TSs to ensure that nuclear safety is not adversely affected. These controls include: (1) the TS administrative controls that are applicable to the Fire Protection Program; (2) the license condition on implementation of and subsequent changes to the Fire Protection Program; and (3) the 10 CFR 50.59 criteria for evaluating changes to the Fire Protection Program as described in the FSAR.

The specific details relating to fire protection requirements removed from the TSs by these amendments include those specifications for fire detection systems, fire suppression systems, fire barriers, and fire brigade staffing requirements. The administrative control requirements have been modified to include Fire Protection Program implementation as an element for which written procedures must be established, implemented, and maintained. These TS changes proposed by the licensee are in accordance with the guidance provided by Generic Letter 88-12.

Generic Letters 86-10 and 88-12 also include administrative control requirements to ensure that periodic audits are performed regarding fire protection programmatic controls and program implementation. In this respect, the NRC staff notes that existing Oconee TS 6.4.1.1, 6.1.1.6, 6.1.2.1, 6.1.3.4.h, and 6.1.2.1.j already contain such provisions and no change is needed by these amendments other than the addition of TS 6.1.3.3.i requiring independent review by NSRB.

As required by Generic Letter 88-10, the licensee confirmed that the NRC-approved Fire Protection Program will be incorporated into Section 9.5.1 of the FSAR. Also, the licensee has proposed that the existing license condition on the Fire Protection Program be replaced with the standard condition noted in Generic Letter 86-10.

The licensee confirmed that the operational conditions, remedial actions, and test requirements associated with the removed fire protection TSs have been included in the Fire Protection Program which will be incorporated into the FSAR. This is in accordance with the guidance of Generic Letter 88-12.

We find that the incorporation of the Fire Protection Program, and the former TS requirements by reference to the procedures implementing these requirements, into the FSAR and the use of the standard license condition on fire protection establishes the Fire Protection Program, including the systems, the administrative and technical controls, the organization, and the other plant features associated with fire protection on a consistent status with other plant features described in the FSAR. Also, the provisions of 10 CFR 50.59 apply directly for subsequent changes the licensee desires to make in the Fire Protection Program. In this context, the determination of the involvement of an unreviewed safety question defined in 10 CFR 50.59(a)(2) will be made based on the "accident... previously evaluated" being the postulated fire in the fire hazards analysis for the fire area affected by the change. Hence, the proposed license condition establishes an adequate basis for defining the scope of changes to the Fire Protection Program which can be made without prior Commission approval, i.e., without introduction of an unreviewed safety question.

On the basis of its review of the above items, the staff concludes that the licensee has met the guidance of Generic Letters 86-10 and 88-12. Accordingly, the staff finds the proposed changes have no adverse impact on safety and are, therefore, acceptable.

#### 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 requirements with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and change surveillance requirements. The amendments also relate to changes in recordkeeping, reporting, or administrative procedures or 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 previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding (56 FR 11779). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9) and 51.22(c)(10). 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.

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