

NUCLEAR REGULATORY COMMISSION

[NRC-2018-0116]

**Applications and Amendments to Facility Operating Licenses and Combined
Licenses Involving Proposed No Significant Hazards Considerations and
Containing Sensitive Unclassified Non-Safeguards Information and Order
Imposing Procedures for Access to Sensitive Unclassified
Non-Safeguards Information**

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of three amendment requests. The amendment requests are for Oconee Nuclear Station, Unit Nos. 1, 2, and 3; Duane Arnold Energy Center; and Callaway Plant, Unit No. 1. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration. Because each amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation.

DATES: Comments must be filed by August 2, 2018. A request for a hearing must be filed by September 3, 2018. Any potential party as defined in § 2.4 of title 10 of the

Code of Federal Regulations (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by July 13, 2018.

ADDRESSES: You may submit comments by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2018-0116**. Address questions about NRC dockets to Jennifer Borges; telephone: 301-287-9127; e-mail: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **Mail comments to:** May Ma, Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Shirley Rohrer, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-5411; e-mail: Shirley.Rohrer@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID **NRC-2018-0116**, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2018-0116**.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdresource@nrc.gov. The ADAMS accession number for each document referenced is provided the first time that it is mentioned in this document.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID **NRC-2018-0116**, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve 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 amendment 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. The basis for this proposed determination for each amendment request is shown below.

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 amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the *Federal Register*. If the Commission makes a final no significant hazards consideration determination, any

hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity to Request a Hearing and Petition for Leave to Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) the name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or

controverted. In addition, the petitioner must provide a brief explanation of the bases for 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 the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) 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. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The

final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or

her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant

will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by e-mail to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Duke Energy Carolinas, LLC, Docket Nos. 50-269, 50-270, and 50-287, Oconee Nuclear Station, Unit Nos. 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: October 20, 2017. A publicly-available version is in ADAMS under Accession No. ML17299A125.

Description of amendment request: **This amendment request contains sensitive unclassified non-safeguards information (SUNSI).** The amendments would revise the Updated Final Safety Analysis Report (UFSAR) to provide off-nominal success criteria for maintaining the reactor in a safe shutdown condition when using the Standby Shutdown Facility (SSF) to mitigate a Turbine Building (TB) flood occurring when an Oconee Nuclear Station unit is not at nominal full power conditions. The amendments

would also revise the UFSAR to allow the use of the Main Steam (MS) Atmospheric Dump Valves (ADVs), when available, to enhance SSF mitigation capabilities.

Basis for proposed no significant hazards consideration determination: 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. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change provides off-nominal success criteria for SSF mitigated TB flood events occurring during off-nominal initial conditions. The proposed change does not impact the current success criteria for SSF events occurring during nominal full power initial conditions. The LAR [license amendment request] also requests NRC approval to use the MS ADVs, when available, to enhance SSF mitigation capabilities. The proposed change does not adversely impact containment integrity, radiological release pathways, fuel design, filtration systems, main steam relief valve set points, or radwaste systems. No new radiological release pathways are created. During licensing of the SSF design, SSF performance was evaluated assuming the events that were to be mitigated by the SSF were initiated from nominal full power conditions. Duke Energy analyses demonstrate that SSF mitigated Turbine Building flood events occurring during off-nominal full power conditions can be mitigated acceptably when the proposed off-nominal success criteria are met. As such, the proposed change does not have a significant impact on the dose consequences of an accident previously evaluated. The SSF is not an event initiator; therefore, it does not affect the frequency of occurrence of accidents previously evaluated in the UFSAR. The use of off-nominal success criteria is not a precursor to a TB flood event; therefore, the proposed change does not involve a significant increase in the probability of any event requiring operation of the SSF. The proposed off-nominal success criteria will continue to ensure the SSF can maintain the unit(s) in a safe shutdown condition. As such, the proposed change does not involve a significant increase in the consequences of any event requiring operation of the SSF.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed UFSAR change requests approval to modify the SSF licensing basis for off-nominal conditions by using off-nominal success criteria for SSF mitigated TB flood events occurring during off-nominal conditions. Duke Energy analyses demonstrate that meeting the off-nominal success criteria is an acceptable method of mitigating the TB flood event and does not create the possibility of a new or different kind of accident. The LAR also requests NRC approval to use the main steam atmospheric dump valves, when available, to enhance the mitigation of SSF events. The proposed change does not change the design function or operation of the SSF. The SSF is designed with the capability to mitigate a TB flood and meet specific success criteria for the entire 72 hour mission time. These changes do not adversely affect this mission time.

The proposed change does not create the possibility of a new or different kind of accident since the proposed change does not introduce credible new failure mechanisms, malfunctions, or accident initiators not considered in the design and licensing bases.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change requests approval of an off-nominal set of success criteria for SSF mitigated TB flood events occurring during off-nominal power conditions. Duke Energy analyses demonstrate there is adequate margin to prevent lift of pressurizer safety valves while water-solid. The proposed change does not involve operating installed equipment (ADVs) in a new or different manner. The ADVs are periodically tested and have been used successfully for a plant cooldown. Use of the ADVs to enhance the mitigation of SSF events serves to improve plant safety by preventing the pressurizer from reaching water-solid conditions and by reducing the pressure at which the MS system is controlled. ADV use also allows plant stabilization to occur more quickly and at lower temperatures, and eliminates repeated cycling of the MS relief valves. The proposed change does not involve a change to any set points for parameters which initiate protective or mitigation action and does not have any impact on the fission product barriers or safety limits. Therefore, the

proposed change does not involve a significant reduction in a margin of safety.

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.

Attorney for licensee: Kate Nolan, Deputy General Counsel, Duke Energy Carolinas, 550 South Tryon Street, Charlotte, North Carolina 28202.

NRC Branch Chief: Michael T. Markley.

NextEra Energy Duane Arnold, LLC, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: December 15, 2017. A publicly-available version is in ADAMS under Accession No. ML17352A335.

Description of amendment request: **This amendment request contains sensitive unclassified non-safeguards information (SUNSI).** The amendment would modify Technical Specification (TS) 3.6.1.7, "Suppression Chamber-to-Drywell Vacuum Breakers," by revising the required number of operable vacuum breakers for opening from six to five.

Basis for proposed no significant hazards consideration determination: 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. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Operable suppression chamber-to-drywell vacuum breakers are required for accident mitigation. Failure of the vacuum breakers is not assumed as an accident initiator for any accident previously evaluated. Therefore, any potential failure of a vacuum breaker to perform when necessary will not affect the probability of an accident previously evaluated.

The proposed change maintains a sufficient number of operable vacuum breakers to meet the limiting design basis accident conditions. The consequences of an accident previously evaluated while utilizing the proposed change are no different than the consequences of an accident prior to the proposed change. As a result, the consequences of an accident previously evaluated are not significantly increased [sic].

Therefore, the proposed TS change does not involve an increase in the probability or consequences of a previously evaluated accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the protection system design, create new failure modes, or change any modes of operation. The proposed change does not involve a physical alteration of the plant; and no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change to the minimum number of operable suppression chamber-to-drywell vacuum breakers for opening ensures that an excessive negative differential pressure between the suppression chamber and the drywell will be prevented during the most limiting postulated design-basis event. The minimum number of operable suppression chamber-to-drywell vacuum breakers for opening is set appropriately to ensure adequate margin based on the number of available vacuum breakers not having an effect on the containment system analysis report.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

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.

Attorney for licensee: William Blair, P.O. Box 14000, Juno Beach, Florida 33408-0420.

NRC Branch Chief: David J. Wrona.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit No. 1, Callaway County, Missouri

Date of amendment request: March 9, 2018. A publicly-available version is in ADAMS under Package Accession No. ML18068A685.

Description of amendment request: **This amendment request contains sensitive unclassified non-safeguards information (SUNSI).** The amendment would revise the Technical Specifications (TSs) to add TS 3.7.20, "Class 1E Electrical Equipment Air Conditioning (A/C) System," to the Callaway Plant TSs. This proposed change would enhance the capability of one Class 1E electrical equipment A/C train to provide adequate area cooling for both trains of Class 1E electrical equipment during normal and accident conditions.

Basis for proposed no significant hazards consideration determination: 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. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The safety-related Class 1E Electrical Equipment A/C system is designed to perform its area cooling function for the Class 1E electrical equipment during normal and accident conditions. Since the supported Class 1E electrical equipment is utilized and required to be available for accident mitigation, the Class 1E Electrical Equipment A/C system performs an accident mitigation function. The system itself, however, is not involved in the initiation of accidents previously evaluated in the FSAR [Final Safety Analysis Report]. That is, failure of the Class 1E Electrical Equipment A/C system itself is not an initiator of such accidents, and consequently, the proposed addition of TS 3.7.20 does not involve an increase in the probability of an accident previously evaluated.

The proposed addition of TS 3.7.20 creates an LCO [Limiting Condition for Operation] requirement for Operability of both Class 1E electrical equipment A/C trains during applicable plant conditions. The LCO requirement for both trains to be Operable provides redundancy and single-failure protection, thus maximizing the availability of the Class 1E Electrical Equipment A/C system function(s). This serves to preserve assumptions regarding the Operability and/or availability of the Class 1E electrical equipment supported by the Class 1E Electrical Equipment A/C system.

In addition to the proposed LCO requiring the Operability of both Class 1E electrical equipment A/C trains, a Condition and associated Required Actions are proposed to address the inoperability of one of the Class 1E electrical equipment A/C trains. The proposed Required Action(s) provides for more than merely specifying a Completion Time for restoring the inoperable train. Proposed Actions A.1 and A.2 together ensure a continuation of the Class 1E electrical equipment cooling function for both trains of equipment by requiring mitigating actions to be taken and periodic verification that room area temperatures remain within the specified limit. These Required Actions are met through enhanced ventilation capability provided by plant modifications that enable the remaining single Operable Class 1E electrical equipment A/C train to provide adequate cooling to the areas of both trains of Class 1E electrical equipment. This ensures continued area cooling during the period of time permitted for restoring the inoperable Class 1E electrical equipment A/C train.

The addition of TS 3.7.20 to the plant's Technical Specifications thus supports the availability of the Class 1E Electrical Equipment A/C cooling function, consistent with the assumptions of the plant's accident analysis. This support of the intended accident mitigation capability means that the proposed change does not involve a significant increase in the consequences of an accident previously evaluated.

In regard to the accident analyses and assumed overall protection system capability/response, protection system performance will remain within the bounds of the previously performed accident analyses since no hardware changes are being made to the protection systems. The same Reactor Trip System (RTS) and Engineered Safety Feature Actuation System (ESFAS) instrumentation will continue to be supported and used as assumed so that the protection systems will continue to function in a manner consistent with the plant design basis.

With regard to the proposed change to TS 5.5.11.e and the associated reduction in heater capacity for the heaters in the Control Room Pressurization System filter trains, the heaters function to mitigate accidents previously evaluated in the FSAR, but failure of the heaters themselves (or the filter trains themselves) is not an initiator of such accidents. Further, even with the proposed reduction in heater capacity (wattage), the new heater capacity will still exceed filter operational requirements and the required safety margin by a significant amount. Therefore, the proposed change to the heater capacity will not increase the probability or consequences of an accident described in the Callaway FSAR.

In consideration of all the above, for both TS changes, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of new or different kind of accident from any accident previously evaluated?

Response: No.

No new or different accidents are required to be postulated from addition of proposed TS 3.7.20. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures will be introduced as a result of this amendment. The proposed LCO will require both Class 1E electrical equipment A/C trains to be maintained OPERABLE during plant operation, thereby maintaining the capability of the system to perform its specified safety function for the supported electrical equipment. The

proposed license amendment includes regulatory commitments to achieve the capability for one OPERABLE Class 1E electrical equipment A/C train to provide adequate cooling for both trains of electrical equipment during normal and accident conditions via design changes, but that capability will only be utilized per the temporary provisions of a Condition and Required Action(s) under TS 3.7.20.

The proposed amendment will not alter the design or performance of the 7300 Process Protection System, Nuclear Instrumentation System, Solid State Protection System, Balance of Plant Engineered Safety Features Actuation System, Main Steam and Feedwater Isolation System, or Load Shedder and Emergency Load Sequencers used in the plant protection systems. As such, the change does not have a detrimental impact on the manner in which plant equipment operates or responds to an actuation signal.

With respect to the proposed change to TS 5.5.11.e and the associated reduction in heater capacity for the control room pressurization system filter trains, only the heater wattage/capacity is being changed. Overall system operation and required performance is not being changed. No other plant system is affected by this change (except for the beneficial effect of the reduced heat load on the Class 1E electrical equipment A/C system), and no new system operation or required response is introduced by this change.

Based on the above, the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Proposed TS 3.7.20 includes a provision for restoring an inoperable Class 1E electrical equipment cooling train to Operable status within a reasonable but required Completion Time, which is consistent with the many other Technical Specifications for systems having independent and redundant trains (based on the relatively low risk associated with such a condition when single-failure protection is momentarily not ensured for the affected system). In this case, however, if availability of the Class 1E electrical equipment supported by the Class 1E electrical equipment A/C system is considered a margin of safety, the reduction in such a margin of safety for when a Class 1E electrical equipment cooling train is declared inoperable is minimized due to

the calculated capability of one A/C train to provide adequate cooling to both trains of Class 1E electrical equipment during normal and accident conditions (with proposed Condition A and its Required Actions in effect). The provision for restoring an inoperable Class 1E electrical equipment cooling train to Operable status within a reasonable but required Completion Time also allows a reasonable period to perform preventive and corrective maintenance, thus increasing or maintaining system reliability.

With respect to the Class 1E electrical equipment and the area temperatures assumed for this equipment during normal conditions, that associated margin of safety is maintained by the requirement under proposed TS 3.7.20 (for when one Class 1E electrical equipment A/C train is declared inoperable) to periodically verify that the area/room temperatures are maintained within the specified limit (of less than or equal to 90°F [degrees Fahrenheit]). In addition, the capability to remain at or below the post-accident temperature limit (of 104°F) for the Class 1E electrical equipment rooms will continue to be met, even with only one Class 1E electrical equipment A/C train OPERABLE, (providing the applicable Required Action under proposed TS 3.7.20 is met).

It should also be noted that the addition of TS 3.7.20 has no impact on calculated releases and doses for postulated accidents, or on ECCS [Emergency Core Cooling System] actuation or RPS [Reactor Protection System]/ESFAS protection setpoints/limiting safety system settings, or any other parameter that could affect a margin of safety.

For the proposed change to TS 5.5.11.e and the associated reduction in heater capacity for the charcoal filters in the control room pressurization trains, it should be noted that even with the proposed reduction, the minimum required heating capacity (for ensuring an influent air humidity of less than or equal to 70% relative humidity for the filter absorber train) would still be more than met. Thus, for this proposed change, there is no significant reduction in the margin of safety in regard to required pressurization train performance for the control room emergency ventilation system.

Therefore, based on the above, the proposed amendment does not involve a significant reduction in a margin of safety.

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.

Attorney for licensee: John O'Neill, Esq., Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, N.W., Washington, DC 20037.

NRC Branch Chief: Robert J. Pascarelli.

**Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards
Information for Contention Preparation**

**Duke Energy Carolinas, LLC, Docket Nos. 50-269, 50-270, and 50-287, Oconee
Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina**

**NextEra Energy Duane Arnold, LLC, Docket No. 50-331, Duane Arnold Energy
Center, Linn County, Iowa**

**Union Electric Company, Docket No. 50-483, Callaway Plant, Unit No. 1,
Callaway County, Missouri**

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is

necessary to respond to this notice may request access to SUNSI. A “potential party” is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the Office of the General Counsel are Hearing.Docket@nrc.gov and OGCmailcenter@nrc.gov, respectively.¹ The request must include the following information:

- (1) A description of the licensing action with a citation to this *Federal Register* notice;
- (2) The name and address of the potential party and a description of the potential party’s particularized interest that could be harmed by the action identified in C.(1); and

¹ While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC’s “E-Filing Rule,” the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order² setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of

² Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

(or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

IT IS SO ORDERED.

Dated at Rockville, Maryland, this 11th day of June, 2018.

For the Nuclear Regulatory Commission.

/RA/

Annette L. Vietti-Cook,
Secretary of the Commission.

ATTACHMENT 1--General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in this Proceeding

Day	Event/Activity
0	Publication of <i>Federal Register</i> notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; and describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information

Day	Event/Activity
A + 3	(including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff. Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.