



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

December 9, 1983

DISTRIBUTION:
Docket File
ORB#4 Rdg
Ringram

Docket No. 50-287

Docketing and Service Section
Office of the Secretary of the Commission

SUBJECT: OCONEE NUCLEAR STATION, UNIT NO. 3

Two signed originals of the Federal Register Notice identified below are enclosed for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (6) of the Notice are enclosed for your use.

- ☐ Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- ☐ Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for Submission of Views on Antitrust Matters.
- ☐ Notice of Availability of Applicant's Environmental Report.
- ☒ Notice of Proposed Issuance of Amendment to Facility Operating License.*
- ☐ Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- ☐ Notice of Availability of NRC Draft/Final Environmental Statement.
- ☐ Notice of Limited Work Authorization.
- ☐ Notice of Availability of Safety Evaluation Report.
- ☐ Notice of Issuance of Construction Permit(s).
- ☐ Notice of Issuance of Facility Operating License(s) or Amendment(s).
- ☒ Other: *Please insert date on the 4th page 1st paragraph of this notice for a 30-day intervention period, and call Caryn on extension 28960 to inform her of the date inserted.

Referenced documents have been provided PDR.

Operating Reactors Branch #4, DL
Office of Nuclear Reactor Regulation

Enclosure:
As Stated

NOTE: Expedited handling is requested. Publication in the FEDERAL REGISTER ON an expedited basis no later than December 14, 1983, is required to provide a 30-day notice period as required by the Commission's regulations and to avoid impact on plant schedules.			
OFFICE		ORB#4:DL	
SURNAME		Ringram	12/9/83
DATE			

Duke Power Company

cc w/enclosure(s):

Mr. William L. Porter
Duke Power Company
P. O. Box 33189
422 South Church Street
Charlotte, North Carolina 28242

Office of Intergovernmental Relations
116 West Jones Street
Raleigh, North Carolina 27603

Honorable James M. Phinney
County Supervisor of Oconee County
Walhalla, South Carolina 29621

Mr. James P. O'Reilly, Regional Administrator
U. S. Nuclear Regulatory Commission, Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30303

Heyward G. Shealy, Chief
Bureau of Radiological Health
South Carolina Department of Health
and Environmental Control
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Mr. J. C. Bryant
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Mr. Robert B. Borsum
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Manager, LIS
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Clearwater, Florida 33515

J. Michael McGarry, III, Esq.
DeBevoise & Liberman
1200 17th Street, N.W.
Washington, D. C. 20036

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NO. 50-287

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-55, issued to Duke Power Company (the licensee), for operation of the Oconee Nuclear Station, Unit No. 3 (the facility), located in Oconee County, South Carolina.

The amendment would authorize a proposed change to the Oconee Nuclear Station common Technical Specifications (TSs) which is required to revise a previously approved Axial Power Shaping Rod (APSR) position limit associated with the operation of Unit 3 during fuel Cycle 7 (which is currently in progress). The proposed change would split a single position limit figure into two position limit figures for the same period of time. This specifically would be accomplished by: 1) revising the title of TS Figure 3.5.2-4C2 from "APSR Position Limits, After 200 ± 10 EFPD" to "APSR Position Limits, After 200 ± 10 to 385 ± 10 EFPD"; and 2) adding a new TS Figure 3.5.2-4C3, titled "APSR Position Limits, After 385 ± 10 EFPD" [NOTE: EFPD = Effective Full Power Days]. The proposed change to the rod position limits is in accordance with the licensee's application for amendment dated September 14, 1983.

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Before issuance of the proposed license amendment, 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 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 Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the TSs.

In the process of reviewing the TS figures for Unit 2's Cycle 7 of operation (a separate licensing action previously completed by the NRC staff on November 23, 1983 and which contained a similar revised APSR position limit), the licensee noted a correction of values for their

proposed APSR position limits after 400 EFPD was necessary. The licensee also discovered that a similar correction needed to be applied to the previously-approved position limits for Unit 3's Cycle 7 of operation. The application of the correction to the position limits for Unit 3 Cycle 7 resulted in retaining the previously approved limits up to roughly 385 EFPD (instead of to the end of the cycle) and imposing a slightly more conservative (i.e., more restrictive) limit for the period of 385 EFPD through the end of the cycle than was formerly allowed by the NRC-approved TS changes. The more conservative limit requires approximately a 2 percent shrinkage in the allowed APSR insertion and withdrawal limits at 102 percent full power with somewhat larger changes to the insertion limits at lower power levels.

The Commission proposes to determine that the application does not involve a significant hazards consideration since the change constitutes an imposition of a more restrictive APSR position limit than that which is currently required in the TSs for the current Unit 3 Cycle 7 of operation.

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. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By January 13, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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 petition for leave to intervene. Request for a hearing and petitions 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. 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 a 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 fifteen (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 fifteen (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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. 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 amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment 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 amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish 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.

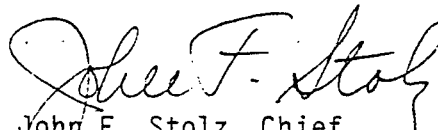
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to J. Michael McGarry, III, DeBevoise & Liberman, 1200 17th Street, N.W., Washington, D.C. 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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be 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 amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Dated at Bethesda, Maryland, this 9th day of December 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in dark ink, appearing to read "John F. Stolz", is written over the typed name.

John F. Stolz, Chief
Operating Reactors Branch #4
Division of Licensing

INITIAL

NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION
AND NOTICING ACTION

Docket No. 50-287 Facility: Oconee Unit No. 3
Licensee: Duke Power Co. Date of application: 9/14/83
Request for: A revised Axial Power Shaping Rod position limit

(See attached notice or press release for more details.)

Initial Determination:

- (XX) Proposed determination - amendment request involves no significant hazards considerations (NSHC).
() Final determination - amendment request involves significant hazards considerations (SHC).

Basis for Determination

- () Licensee's NSHC discussion has been reviewed and is accepted. See attached amendment request.
(XX) Basis for this determination is presented in the attached notice.
() Other (state):

(Attach additional sheets as needed.)

Initial Noticing Action: (Attach appropriate notice or input for monthly FRN)

1. () Monthly FRN. Notice of opportunity for hearing (30 days) and request for comments on proposed NSHC determination - monthly FRN input is attached (Attachment 8).
2. (XX) Individual FRN (30 days). Same notice matter as above. Time does not allow waiting for next monthly FRN (Attachments 9a and 9b).

(THIS FORM SHOULD BE TYPED EXCEPT FOR UNUSUAL, URGENT CIRCUMSTANCES.)

3. () Local media notice. Valid exigent circumstances exist (evaluated below). Local media notice requesting public comments on proposed NSHC determination is attached (Attachment 10).
4. () No notice. A valid emergency situation exists (evaluated below) and there is no time for public notice on proposed NSHC determination. (No attachment.)
5. () Individual FRN (30-days). Licensee's claim of exigent or emergency circumstances is invalid (evaluated below). Notice of opportunity for hearing (30 days) and request for comments on proposed NSHC determination is attached (Attachments 9a and 9b). Letter of explanation to licensee is also attached.
6. () Individual FRN (30-days). The amendment request involves SHC. Notice of opportunity for prior hearing is attached (Attachment 5). Letter to licensee also attached.
7. () Individual Short FRN. Valid emergency circumstances exist (evaluated below). There is no time for the usual 30-day FRN. (Attachment 16).

Evaluation of exigent or emergency circumstances (if applicable):

(attach additional sheets as needed)

Approvals:

1. John Suermann Ronald W. Herna for
(Project Manager)
2. John F. Stolz John F. Stolz
(Branch Chief)
3. Richard J. Brown
(OELD)

Date

11/30/83

11/30/83

12/4/83

Additional approval (for noticing actions types 3, 4, 5, 6 and 7):

4. _____
(Assistant Director)

Additional approval (for noticing action types 4 and 5):

5. _____
(Director, Division of Licensing)

Attachment: as indicated

cc: Original - Docket File (with note "Docket File only")
Project Manager
Licensing Assistant
Branch Files