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July 31, 2012

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

Subject: Duke Energy Carolinas, LLC
Oconee Nuclear Site Units 1, 2, and 3
Docket Numbers 50-269, 50-270 and 50-287
NFPA 805 Performance-Based Standard for Fire Protection for Light
Water Reactor Generating Plants (2001 Edition)
LAR 2012-09, License Amendment Request for Revision to License
Condition 3.D, Transition License Conditions #1 and #2

Pursuant to 10 CFR 50.90, Duke Energy Carolinas, LLC (Duke Energy) proposes to amend Renewed Facility Operating License Nos. DPR-38, -47, and -55. This License Amendment will result in a revised completion date for the Implementation Items and Protected Service Water (PSW) Modification in License Condition 3.D, Transition License Conditions #1 and #2, respectively.

By letter dated December 29, 2010, Duke Energy received Amendments 371, 373, and 372, allowing the licensee to maintain a fire protection program in accordance with 10 CFR 50.48(c) for the Oconee Nuclear Station, Units 1, 2, and 3 (ONS), and changed the license and technical specifications accordingly. The Amendments contained a new license condition 3.D that cited Transition License Conditions #1 and #2 pertaining to implementation items in Table 2.9-1 and modifications in Table 2.8.1-1.

Transition License Conditions regarding Implementation Items and Table 2.8.1-1, 'Committed Plant Modifications', Item 1, PSW Modification, require date revisions due to administrative and technical issues associated with completing the PSW modification. Specific details and justification for the implementation items and modification changes are provided in Enclosure 1. Marked-up and retyped copies of the License Conditions and Table 2.8.1-1, 'Committed Plant Modifications', are provided in Attachments 1 and 2, respectively.

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While the PSW modification and implementation items are being completed, appropriate compensatory measures as specified by the License Condition will remain in place and will be maintained until the PSW modification and implementation items are complete.

These changes were discussed with the NRC in a public meeting on July 19, 2012, and a conference call on July 24, 2012.

This letter also serves as a notification to the Nuclear Regulatory Commission that Duke Energy is also revising the commitment associated with Tornado/High Energy Line Break Mitigation Strategies and Regulatory Commitments, specifically commitment 8T, 'PSW/HPI Modifications', originally documented in a letter dated November 30, 2006, and most recently, in a letter dated February 21, 2012. Commitment 8T will be revised from December 31, 2012 to December 31, 2014 to coincide with the completion date revision requested in this License Amendment Request.

In accordance with Duke Energy administrative procedures and the Duke Energy Quality Assurance Program Topical Report, these proposed changes have been reviewed by the Plant Operations Review Committee Chairman. Additionally, a copy of this LAR is being sent to the State of South Carolina in accordance with 10 CFR 50.91 requirements.

Given the risk benefit of the PSW System, Duke Energy will continue to provide timely updates to the NRC regarding progress of the PSW project.

Duke Energy considers that the marked-up and retyped copies of Modification Table 2.8.1-1, 'Committed Plant Modifications', located in Attachments 1 and 2, contains security-related sensitive information and requests that this table be withheld from public disclosure pursuant to 10 CFR 2.390. The redacted versions of this information are provided in Attachments 3 and 4.

Should you have any questions regarding this information, please call David Goforth at (864) 382-2659.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 31, 2012.

Sincerely,

TP GILLESPIE

T. Preston Gillespie, Vice President
Oconee Nuclear Site

Enclosure and Attachments

Enclosures:

1. License Amendment Request for Revision to License Condition 3.D, Transition License Conditions #1 and #2

Attachments:

1. Marked-up License Condition 3.D and Table 2.8.1-1, 'Committed Plant Modifications'
2. Retyped License Condition 3.D and Table 2.8.1-1, 'Committed Plant Modifications'
3. Marked-up License Condition 3.D and Table 2.8.1-1, 'Committed Plant Modifications' Redacted Version
4. Retyped License Condition 3.D and Table 2.8.1-1, 'Committed Plant Modifications' Redacted Version

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cc w/enclosures :

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Enclosure 1 – License Amendment Request for Revision to License Condition 3.D,
Transition License Conditions #1 and #2
License Amendment Request Number 2012-09
July 31, 2012

**Subject: License Amendment Request for Revision to License Condition 3.D,
Transition License Conditions #1 and #2**

- 1. Summary Description**
- 2. Detailed Description**
- 3. Technical Evaluation**
 - 3.1. Committed Plant Modifications**
 - 3.2. Implementation Items**
- 4. Regulatory Safety Analysis**
- 5. Environmental Consideration**
- 6. References**

1.0 Summary Description

Pursuant to 10 CFR 50.90, Duke Energy Carolinas, LLC (Duke Energy) proposes to amend Renewed Facility Operating License Nos. DPR-38, -47, and -55. This License Amendment will result in a revised completion date for the implementation items and Protected Service Water (PSW) modification in License Condition 3.D, Transition License Conditions #1 and #2, respectively.

By letter dated December 29, 2010, Duke Energy received Amendments 371, 373, and 372, allowing the licensee to maintain a fire protection program in accordance with 10 CFR 50.48(c) for the Oconee Nuclear Station, Units 1, 2, and 3 (ONS), and changed the license and technical specifications accordingly. The Amendments contained a new license condition 3.D that cited Transition License Conditions #1 and #2 pertaining to implementation items in Table 2.9-1 and modifications in Table 2.8.1-1.

1.0 Detailed Description

1.1 Committed Plant Modification and Implementation Items

The Nuclear Regulatory Commission (NRC) Safety Evaluation (SE) dated December 29, 2010, provides a listing of committed plant modifications that are required to fully implement NFPA 805 in Table 2.8.1-1, 'Committed Plant Modifications.' Each modification contained in the Table contains a schedule and a statement that compensatory measures are taken in accordance with the Fire Protection Program (FPP). The PSW modification (Item #1) requires a date revision due to administrative and technical issues associated with completing the modification work. This modification currently has compensatory measures that will remain in place until the modification is completed. Section 3.0 discusses specific details and justification associated with revising the completion date for the PSW modification.

The SE also provides a listing of implementation items in Table 2.9-1. License Condition 3.D, Transition License Condition #1 cites a commitment date of January 1, 2013 for completion of all Implementation Items in Table 2.9-1. The commitment date cited will be extended to coincide with the completion date for the PSW Modification. Section 3.0 provides specific details and justification associated with this change.

3.0 Technical Evaluation

3.1 Committed Plant Modification

Current status of the committed plant modifications is provided as follows:

Modification #1 for implementing PSW is in progress and will require a completion date revision.

Modification #2 for upgrading the wall between the Turbine Building and Auxiliary Building is in progress.

Modification #3 for upgrading the wall between the Purge Inlet Room and West Penetration Room (WPR) is in progress.

Modification #4 for upgrading the wall between Blockhouse 1/2 and the Transformer Yard is complete.

Modification #5 for Fire Detection is in progress.

Modification #6 for Breaker Coordination is complete.

For modifications that are not complete, appropriate compensatory measures will remain in place and be maintained until the modifications are completed.

3.1.1 Modification #1 Protected Service Water

The PSW modification provides significant risk reduction in the ONS Fire Probabilistic Risk Assessment (PRA). The PSW system will provide a diverse Duke Energy QA-1 power supply for powering safe shutdown equipment in the Auxiliary Building (AB). It will also provide the ability to power the Standby Shutdown Facility (SSF) safe shutdown components from alternate power sources.

Table 2.8.1-1 Modification Item #1 to install the PSW system was to be completed by July, 2012. In a letter dated February 21, 2012, Duke Energy extended the date for the PSW commitment (8T, 'PSW/HPI Modifications') associated with Tornado/High Energy Line Break Mitigation Strategies and Regulatory Commitments until December 31, 2012. This coincides with ONS implementation of NFPA 805 as currently specified in the SE dated December 29, 2010. Although the PSW project original scope is approximately 86% complete, PSW cannot be fully implemented by December 31, 2012, due to administrative and technical issues associated with the PSW modification as discussed below. However, Duke Energy is continuing to

implement the PSW modification, including the alternate feed from the PSW building to the Standby Shutdown Facility (SSF). This will provide alternate power to the SSF. The alternate power sources provide improved reliability of SSF related safe shutdown components. The alternate feed portion of the PSW modification is scheduled to be completed by December 31, 2012.

In Duke Energy's oversight role of vendor supplied products and services, issues have been discovered with design deliverable documentation. These issues have resulted in processing delays that have impacted engineering change package preparation. More Duke Energy resources and oversight have been assigned to the PSW project to address this issue. Duke Energy takes the oversight role very seriously as it maintains a presence in vendor shops to ensure priority for equipment documentation cycle time and quality.

Delays in vendor equipment delivery have impacted modification implementation. Duke Energy has assigned a dedicated procurement team with senior management oversight. Additional dedicated team resources have been deployed to vendor shops to expedite equipment delivery. Duke Energy and the project vendors are performing quality checks prior to shipping of the equipment in an effort to avoid receipt processing delays once the equipment arrives onsite. Currently, 15 shipments out of 34 total shipments remain to be delivered. The last equipment delivery is scheduled for September 19, 2012.

As part of the detailed design change process, Duke Energy has determined that the heat transfer model of the Auxiliary Building and the Containment Building requires revision and/or updating because of additional equipment that will be powered by the PSW electrical system. Duke Energy has assigned a dedicated team for this effort. The team is presently developing building heat transfer models to determine more accurate temperature profiles resulting from PSW mitigation scenarios. The modeling results will be utilized in the development of potential additional project scope such as analysis and/or modifications required to support PSW safe shutdown functions.

Duke Energy is requesting that the PSW system modification completion date associated with License Condition 3.D Table 2.8.1-1, 'Committed Plant Modifications', be revised from July, 2012 to December 31, 2014. License Condition 3.D, Transition License Condition #2 has been revised to reflect that the NRC SE dated December 29, 2010, will be supplemented and a blank line has been inserted in the Transition License Condition for the new issued SE date. Existing appropriate compensatory measures associated with this modification will remain in place until the modification is completed.

This letter also serves as a notification to the Nuclear Regulatory Commission that Duke Energy is also revising the commitment associated with Tornado/High Energy Line Break Mitigation Strategies and Regulatory Commitments, specifically commitment 8T, 'PSW/HPI Modifications', originally documented in a letter dated November 30, 2006, and most recently, in a letter dated February 21, 2012. Commitment 8T will be revised from December 31, 2012 to December 31, 2014 to coincide with the completion date revision requested in this License Amendment Request.

3.2 Implementation Items

Currently, License Condition 3.D, Transition License Condition #1 cites a completion date for the 47 implementation items in Table 2.9-1 of December 31, 2012. The NFPA 805 implementation team has completed 22 of the implementation items. The remainder of the implementation items, with the exception of three specifically tied to PSW are scheduled to be completed by December 31, 2012.

Duke Energy is requesting that the implementation items completion date in License Condition 3.D, Transition License Condition #1, relative to Table 2.9-1 be revised from January 1, 2013 to December 31, 2014, to coincide with completion of the PSW modification and the associated implementation items.

4.0 Regulatory Safety Analysis

4.1 Significant Hazards Consideration

Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

Operation of ONS in accordance with the proposed amendment does not increase the probability or consequences of accidents previously evaluated. The Updated Final Safety Analysis Report (UFSAR) documents the analyses of design basis accidents (DBA) at ONS. The proposed amendment involves License Condition completion date changes only. It does not adversely affect accident initiators nor alter design assumptions, conditions, or configurations of the facility and does not adversely affect the ability of structures, systems, and components (SSCs) to perform their design function. SSCs required to safely shut down the reactor and to maintain it in a safe shutdown (SSD) condition will remain capable of performing their design functions.

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

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

Response: No

Operation of ONS in accordance with the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. Any scenario or previously analyzed accident with offsite dose was included in the evaluation of DBAs documented in the UFSAR. The proposed amendment involves License Condition completion date changes only. It does not alter the requirements or function for systems required during accident conditions, nor will it result in new or different accidents. The proposed amendment does not adversely affect accident initiators nor alter design assumptions, conditions, or configurations of the facility. The proposed amendment does not adversely affect the ability of SSCs to perform their design function. SSCs required to safely shut down the reactor and maintain it in a safe shutdown condition remain capable of performing their design functions.

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

Response: No

Operation of ONS in accordance with the proposed amendment does not involve a significant reduction in the margin of safety. The proposed amendment involves License Condition completion date changes only. It does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed amendment does not adversely affect existing plant safety margins or the reliability of equipment assumed to mitigate accidents in the UFSAR. The proposed amendment does not adversely affect the ability of SSCs to perform their design function. SSCs required to safely shut down the reactor and to maintain it in a safe shutdown condition remain capable of performing their design functions.

5.0 Environmental Consideration

Duke Energy has evaluated this LAR against the criteria for identification of licensing and regulatory actions requiring environmental assessment in accordance with 10 CFR 51.21. Duke Energy has determined that this LAR meets the criteria for a categorical exclusion set forth in 10 CFR 51.22(c)(9). This determination is based on the fact that this change is being proposed as an amendment to a license issued pursuant to 10 CFR 50.

The purpose of this amendment is to permit ONS to revise completion dates associated with License Condition 3.D, Transition License Conditions #1 and #2. Completion of these activities allows ONS to fully transition to a new fire protection licensing basis which complies with the requirements in 10 CFR 50.48(a) and (c) and the guidance in Revision 1 of Regulatory Guide 1.205.

This amendment meets the following specific criteria:

- i. The amendment involves no significant hazards consideration.

As stated in Section 4.1, this proposed amendment does not involve significant hazards consideration.

ii. There is no significant change in the types or significant increase in the amounts of any effluent that may be released offsite.

There will be no significant change in the types or significant increase in the amounts of any effluents released offsite as a result of changing the completion dates associated with License Condition 3.D, Transition License Conditions #1 and #2

iii. There is no significant increase in individual or cumulative occupational radiation exposure.

There will be no significant increase in individual or cumulative occupational radiation exposure as a result of changing the commitment dates associated with License Condition 3.D, Transition License Conditions #1 and #2.

Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in conjunction with the proposed amendment.

6.0 References

- 6.1 Duke Energy Carolinas, LLC to Nuclear Regulatory Commission, License Amendment Request to Adopt NFPA 805 Performance-Based Standard for Fire Protection for Light Water Reactor Generating Plants (2001 Edition) dated April 14, 2010.
- 6.2 Nuclear Regulatory Commission to Duke Energy Carolinas, LLC in Safety Evaluation, Oconee Nuclear Station, Units 1, 2, AND 3, Issuance of Amendments Regarding Transition to a Risk-Informed, Performance-Based Fire Protection Program in Accordance with 10 CFR 50.48(c) dated December 29, 2010.
- 6.3 Duke Energy to Nuclear Regulatory Commission, Tornado/HELB Mitigation Strategies and Regulatory Commitments dated November 30, 2006.
- 6.4 Duke Energy Carolinas, LLC to Nuclear Regulatory Commission, Revision to tornado/HELB Mitigation Strategies and Regulatory Commitments dated February 21, 2012.

ATTACHMENT 3

**Marked-up License Condition 3.D
and Table 2.8.1-1, 'Committed Plant Modifications'**

Redacted Version

technical requirement. A qualified fire protection engineer shall perform the engineering evaluation and conclude that the change has not affected the functionality of the component, system, procedure, or physical arrangement, using a relevant technical requirement or standard.

The licensee may use an engineering evaluation to demonstrate that changes to certain NFPA 805, Chapter 3 elements are acceptable because the alternative is "adequate for the hazard." Prior NRC review and approval would not be required for alternatives to four specific sections of NFPA 805, Chapter 3 for which an engineering evaluation demonstrates that the alternative to the Chapter 3 element is adequate for the hazard. A qualified fire protection engineer shall perform the engineering evaluation and conclude that the change has not affected the functionality of the component, system, procedure, or physical arrangement, using a relevant technical requirement or standard. The four specific sections of NFPA 805, Chapter 3 are as follows:

- "Fire Alarm and Detection Systems" (Section 3.8);
- "Automatic and Manual Water-Based Fire Suppression Systems" (Section 3.9);
- "Gaseous Fire Suppression Systems" (Section 3.10); and
- "Passive Fire Protection Features" (Section 3.11)

This License Condition does not apply to any demonstration of equivalency under Section 1.7 of NFPA 805.

2) Fire Protection Program Changes that Have No More than Minimal Risk Impact

Prior NRC review and approval are not required for changes to the licensee's fire protection program that have been demonstrated to have no more than a minimal risk impact. The licensee may use its screening process as approved in the NRC SE dated December 29, 2010, to determine that certain fire protection program changes meet the minimal risk criterion. The licensee shall ensure that fire protection defense-in-depth and safety margins are maintained when changes are made to the fire protection program.

Transition License Conditions

1) This licensee shall complete the items described in Section 2.9, Table 2.9-1, "Implementation Items," in the NRC SE dated December 29, 2010, ~~prior to January 1, 2013~~ by December 31, 2014. Implementation items that result in a risk increase, as part of a plant change evaluation, can be self-approved by the licensee, as long as the overall transition risk remains a decrease (i.e., collective risk increases of transition and implementation are offset by the PSW modification risk decrease).

2) To complete the transition to full compliance with 10 CFR 50.48(c), the licensee shall implement the modifications listed in Section 2.8, Table 2.8.1-1, "Committed Plant Modifications," in the NRC SE dated December 29, 2010 and Supplement to the SER dated _____.

technical requirement. A qualified fire protection engineer shall perform the engineering evaluation and conclude that the change has not affected the functionality of the component, system, procedure, or physical arrangement, using a relevant technical requirement or standard.

The licensee may use an engineering evaluation to demonstrate that changes to certain NFPA 805, Chapter 3 elements are acceptable because the alternative is "adequate for the hazard." Prior NRC review and approval would not be required for alternatives to four specific sections of NFPA 805, Chapter 3 for which an engineering evaluation demonstrates that the alternative to the Chapter 3 element is adequate for the hazard. A qualified fire protection engineer shall perform the engineering evaluation and conclude that the change has not affected the functionality of the component, system, procedure, or physical arrangement, using a relevant technical requirement or standard. The four specific sections of NFPA 805, Chapter 3 are as follows:

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This License Condition does not apply to any demonstration of equivalency under Section 1.7 of NFPA 805.

2) Fire Protection Program Changes that Have No More than Minimal Risk Impact

Prior NRC review and approval are not required for changes to the licensee's fire protection program that have been demonstrated to have no more than a minimal risk impact. The licensee may use its screening process as approved in the NRC SE dated December 29, 2010, to determine that certain fire protection program changes meet the minimal risk criterion. The licensee shall ensure that fire protection defense-in-depth and safety margins are maintained when changes are made to the fire protection program.

Transition License Conditions

- 1) This licensee shall complete the items described in Section 2.9, Table 2.9-1, "Implementation Items," in the NRC SE dated December 29, 2010, prior to January 1, 2013 by December 31, 2014. Implementation items that result in a risk increase, as part of a plant change evaluation, can be self-approved by the licensee, as long as the overall transition risk remains a decrease (i.e., collective risk increases of transition and implementation are offset by the PSW modification risk decrease).
- 2) To complete the transition to full compliance with 10 CFR 50.48(c), the licensee shall implement the modifications listed in Section 2.8, Table 2.8.1-1, "Committed Plant Modifications," in the NRC SE dated December 29, 2010 and Supplement to the SER dated _____.



corresponding technical requirement. A qualified fire protection engineer shall perform the engineering evaluation and conclude that the change has not affected the functionality of the component, system, procedure, or physical arrangement, using a relevant technical requirement or standard.

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2) Fire Protection Program Changes that Have No More than Minimal Risk Impact

Prior NRC review and approval are not required for changes to the licensee's fire protection program that have been demonstrated to have no more than a minimal risk impact. The licensee may use its screening process as approved in the NRC SE dated December 29, 2010, to determine that certain fire protection program changes meet the minimal risk criterion. The licensee shall ensure that fire protection defense-in-depth and safety margins are maintained when changes are made to the fire protection program.

Transition License Conditions

- 1) This licensee shall complete the items described in Section 2.9, Table 2.9-1, "Implementation Items," in the NRC SE dated December 29, 2010, prior to January 1, 2013 by December 31, 2014. Implementation items that result in a risk increase, as part of a plant change evaluation, can be self-approved by the licensee, as long as the overall transition risk remains a decrease (i.e., collective risk increases of transition and implementation are offset by the PSW modification risk decrease).
- 2) To complete the transition to full compliance with 10 CFR 50.48(c), the licensee shall implement the modifications listed in Section 2.8, Table 2.8.1-1, "Committed Plant Modifications," in the NRC SE dated December 29, 2010 and Supplement to the SER dated _____.

ATTACHMENT 4

**Marked-up License Condition 3.D
and Table 2.8.1-1, 'Committed Plant Modifications'**

Redacted Version

technical requirement. A qualified fire protection engineer shall perform the engineering evaluation and conclude that the change has not affected the functionality of the component, system, procedure, or physical arrangement, using a relevant technical requirement or standard.

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Transition License Conditions

- 1) This licensee shall complete the items described in Section 2.9, Table 2.9-1, "Implementation Items," in the NRC SE dated December 29, 2010, by December 31, 2014. Implementation items that result in a risk increase, as part of a plant change evaluation, can be self-approved by the licensee, as long as the overall transition risk remains a decrease (i.e., collective risk increases of transition and implementation are offset by the PSW modification risk decrease).
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2) Fire Protection Program Changes that Have No More than Minimal Risk Impact

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Transition License Conditions

- 1) This licensee shall complete the items described in Section 2.9, Table 2.9-1, "Implementation Items," in the NRC SE dated December 29, 2010, by December 31, 2014. Implementation items that result in a risk increase, as part of a plant change evaluation, can be self-approved by the licensee, as long as the overall transition risk remains a decrease (i.e., collective risk increases of transition and implementation are offset by the PSW modification risk decrease).
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