

October 3, 2000

Mr. H. B. Barron
Vice President, McGuire Site
Duke Energy Corporation
12700 Hagers Ferry Road
Huntersville, NC 28078-8985

SUBJECT: MCGUIRE NUCLEAR STATION, UNITS 1 AND 2 - REVISION TO STATION
EMERGENCY PLAN (TAC NOS. MA8908 AND MA8909)

Dear Mr. Barron:

In your letter of March 28, 2000, you proposed a revision to Table B-1 of the McGuire Nuclear Station Emergency Plan. This change addresses minimum staffing requirements for emergencies. Your letter of September 7, 2000, provided additional information in response to staff questions raised during the conference calls of June 20, July 19, and August 28, 2000. The staff has determined that with the proposed change, the McGuire's Emergency Plan will continue to meet the planning standards of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.47(b) and the requirements of 10 CFR Part 50, Appendix E. The enclosed safety evaluation provides a discussion of the bases for the staff's approval. If you have any questions, please contact me at (301) 415-1447.

Sincerely,

/RA/

Frank Rinaldi, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-369 and 50-370

Enclosure: As stated

cc w/encl: See next page

October 2, 2000

Mr. H. B. Barron
Vice President, McGuire Site
Duke Energy Corporation
12700 Hagers Ferry Road
Huntersville, NC 28078-8985

October 3, 2000

SUBJECT: MCGUIRE NUCLEAR STATION, UNITS 1 AND 2 - REVISION TO STATION
EMERGENCY PLAN (TAC NOS. MA8908 AND MA8909)

Dear Mr. Barron:

In your letter of March 28, 2000, you proposed a revision to Table B-1 of the McGuire Nuclear Station Emergency Plan. This change addresses minimum staffing requirements for emergencies. Your letter of September 7, 2000, provided additional information in response to staff questions raised during the conference calls of June 20, July 19, and August 28, 2000. The staff has determined that with the proposed change, the McGuire's Emergency Plan will continue to meet the planning standards of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.47(b) and the requirements of 10 CFR Part 50, Appendix E. The enclosed safety evaluation provides a discussion of the bases for the staff's approval. If you have any questions, please contact me at (301) 415-1447.

Sincerely,

/RA/

Frank Rinaldi, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-369 and 50-370

Enclosure: As stated

cc w/encl: See next page

Distribution:

PUBLIC LCohen
RidsNrrDlpm (JZwolinski/SBlack) GTracy
RidsNrrDlpmLpdii (HBerkow) PD II-1 Rdg.
RidsOgcRp
RidsRgn2MailCenter

Accession Number ML003756595

OFFICE	PDII-1/PM		PDII-1/LA		PDII-1/SC	
NAME	FRinaldi:cn		CHawes		REmch	
DATE	09/20/00		09/20/00		09/20/00	

OFFICIAL RECORD COPY

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
ON A PROPOSED CHANGE FOR
DUKE ENERGY CORPORATION
MCGUIRE NUCLEAR STATION EMERGENCY PLAN
DOCKET NOS. 50-369 AND 50-370

1.0 INTRODUCTION

This safety evaluation addresses a proposed change to the McGuire Nuclear Station (McGuire) Emergency Plan submitted by Duke Energy Corporation (DEC or the licensee) in a letter dated March 28, 2000, supplemented by a letter dated September 7, 2000.

2.0 APPLICABLE REGULATIONS AND GUIDANCE

Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.47(b)(1) states, in part: "... and each principal response organization has staff to respond and augment its initial response on a continuous basis."

10 CFR 50.47(b)(2) states, in part: "On-shift facility licensee responsibilities for emergency response are unambiguously defined, adequate staffing to provide initial facility accident response in key functional areas is maintained at all times, timely augmentation of response capabilities is available..." (Emphasis added)

10 CFR 50.54(q), states, in part: "A licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards of §50.47(b) and the requirements of Appendix E to this part..."

A.6, Section IV, "Contents of Emergency Plans," Appendix E, 10 CFR Part 50, states, "A description of the local offsite services to be provided in support of the licensee's emergency organization." (Emphasis added)

Regulatory Guide 1.101, Revision 2, "Emergency Planning and Preparedness for Nuclear Power Reactors," states, in part: "The criteria and recommendations contained in Revision 1 of NUREG-0654/FEMA-REP-1 are considered by the NRC staff to be acceptable methods for complying with the standards in 10 CFR 50.47 that must be met in on-site and off-site emergency response plans."

3.0 BACKGROUND

By letter dated March 28, 2000, the licensee proposed to reinstate a provision in Table B-1, "Minimum Staffing Requirements for Emergencies." The licensee claimed that this provision was inadvertently omitted in a previous Emergency Plan revision. The change allows for the on-shift Mechanical and/or Instrument and Electrical (IAE) positions to be provided by shift personnel assigned other functions. The change involved placing an asterisk in Table B-1 of the McGuire plan next to the number of on shift personnel filling the position of mechanical maintenance technician or IAE technician. The asterisk is defined in the footnotes. The footnote reads, in part, "may be provided by shift personnel assigned other functions."

The staff has had several telephone calls with the licensee to clarify issues identified by the staff. The two issues related to: 1) the qualifications of the substitute personnel and 2) whether or not these individuals performing these tasks are required to perform their other duties in addition to these emergency duties.

4.0 EVALUATION

In accordance with 10 CFR 50.54(q), a condition of license, DEC is to follow and maintain in effect an emergency plan which meets the standards of §50.47(b) and the requirements of Appendix E to 10 CFR Part 50. DEC may make changes to this plan without Commission approval only if the changes do not decrease the effectiveness of the plan and the plan, as changed, continues to meet the standards of §50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Proposed changes that decrease the effectiveness of the approved emergency plan may not be implemented without application to and approval by the NRC.

As indicated in the March 28, 2000, letter, DEC requested NRC approval for the proposed change. The staff reviewed these proposed changes against two guidance documents. The first document was NUREG-0654/FEMA-REP-1, Revision 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," dated October 1980, which is endorsed by Regulatory Guide 1.101, Revision 2, "Emergency Planning and Preparedness for Nuclear Power Reactors," dated October 1981, as an acceptable method by which licensees may develop site specific emergency plans. The second document was Supplement 1 to NUREG-0737, "Clarification of TMI Action Plan Requirements," dated December 1982, which provided clarification of guidance regarding acceptable means for meeting some of the basic emergency preparedness requirements. Supplement 1 to NUREG-0737 was issued to all reactor licensees by Generic Letter No. 82-33, dated December 17, 1982.

The licensee's table of minimum staffing (Table B-1) closely follows the tables of minimum staffing in the above references. The tables in the references also include the same asterisk and footnote that the licensee wants to reinstate. The footnote provides the licensee some flexibility in ensuring that adequate staffing is available at all times. The staff's concern was that the footnote is not well defined and may be open to interpretation. The staff requested that the licensee provide clarification that the replacements for the trade personnel are qualified to perform the required tasks and are not required to perform their emergency tasks as well as their primary duties. The licensee's letter dated September 7, 2000, stated that they were developing a "Selected Licensee Commitment," that will ensure that no individual is assigned functions which will result in conflicting roles during design basis or other fire, security or plant

events. In Attachment 3 to this letter, DEC included additional information regarding the qualification of the mechanical maintenance and IAE personnel. In this statement, the licensee states that these positions will be filled with personnel that at a minimum will have taken the electrical and/or mechanical fundamental training courses before they will be assigned shift positions.

Additionally, the staff noted that the draft Selected Licensee Commitment (SLC) indicated, that "The 2-hour remedial action for restoring minimum station staffing levels is consistent with Technical Specifications (TSs) 5.2.2c and 5.2.2d which allow 2 hours to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements." The SLC addresses personnel who would be part of the initial emergency response organization as identified in the licensee's emergency response plan. Staffing requirements for normal operations are defined in 10 CFR 50.54(m)(2)(i) which allows temporary deviation from the specified numbers of operators and senior operators in accordance with the unit TSs. Staffing requirements for emergencies are defined in §50.47(b)(1) and (2) and Section IV.A of Appendix E to 10 CFR Part 50. Guidance regarding minimum staffing for emergencies is provided in Table B-1 of NUREG-0654 (Table 2, Supplement 1 of NUREG-0737). While it is understood that for both normal and emergency operations personnel may be absent due to unexpected conditions, the licensee is to have the capability for addition of staff in emergencies as outlined in Table B-1 of NUREG-0654 (Table 2, Supplement 1 of NUREG-0737). Planning standards in §50.47(b)(1) and (2) require the licensee to have staff to respond and to augment the initial response on a continuous basis. Consequently, the 2 hour delay included in the draft SLC would not be applicable during declared emergencies since NRC regulations require that adequate staffing be maintained at all times to provide initial facility accident response in key functional areas and the capability for timely augmentation of the on-shift emergency staff, as specified in the licensee's emergency plan.

5.0 CONCLUSION

Based upon the information provided by the licensee, the staff has determined that with the proposed change, the Emergency Plan will continue to meet the planning standards of 10 CFR 50.47(b) and the requirements of 10 CFR Part 50, Appendix E.

Principal Contributor: L. K. Cohen

Date: October 3, 2000

McGuire Nuclear Station

cc:

Ms. Lisa F. Vaughn
Legal Department (PBO5E)
Duke Energy Corporation
422 South Church Street
Charlotte, North Carolina 28201-1006

County Manager of
Mecklenburg County
720 East Fourth Street
Charlotte, North Carolina 28202

Michael T. Cash
Regulatory Compliance Manager
Duke Energy Corporation
McGuire Nuclear Site
12700 Hagers Ferry Road
Huntersville, North Carolina 28078

Anne Cottingham, Esquire
Winston and Strawn
1400 L Street, NW.
Washington, DC 20005

Senior Resident Inspector
c/o U.S. Nuclear Regulatory Commission
12700 Hagers Ferry Road
Huntersville, North Carolina 28078

Dr. John M. Barry
Mecklenburg County
Department of Environmental
Protection
700 N. Tryon Street
Charlotte, North Carolina 28202

Mr. Steven P. Shaver
Senior Sales Engineer
Westinshouse Electric Company
5929 Carnegie Blvd.
Suite 500
Charlotte, North Carolina 28209

Ms. Karen E. Long
Assistant Attorney General
North Carolina Department of
Justice
P. O. Box 629
Raleigh, North Carolina 27602

Mr. C. Jeffrey Thomas
Manager - Nuclear Regulatory
Licensing
Duke Energy Corporation
526 South Church Street
Charlotte, North Carolina 28201-1006

Elaine Wathen, Lead REP Planner
Division of Emergency Management
116 West Jones Street
Raleigh, North Carolina 27603-1335

Mr. Richard M. Fry, Director
Division of Radiation Protection
North Carolina Department of
Environment, Health and Natural
Resources
3825 Barrett Drive
Raleigh, North Carolina 27609-7721

Mr. T. Richard Puryear
Owners Group (NCEMC)
Duke Energy Corporation
4800 Concord Road
York, South Carolina 29745