

January 6, 1984

Docket Nos. 50-269, 50-270, 50-287  
50-369 and 50-370

Mr. Hal B. Tucker  
Vice President - Steam Production  
Duke Power Company  
P. O. Box 33189  
422 South Church Street  
Charlotte, North Carolina 28242

Dear Mr. Tucker:

The Commission has reviewed your March 9, 1983, request for exemption from the requirements of 10 CFR 50, Appendix E, and 10 CFR 50.47, as supplemented on October 10, 1983, regarding Oconee, McGuire and Catawba Nuclear Stations. As noted below, this letter addresses only the Oconee and McGuire Nuclear Stations.

The Commission has determined, based on its review, that your requested action does not require an exemption to 10 CFR 50.47(b)(14). Your request regarding Appendix E is discussed below.

Based on your submitted information, demonstrated past performance and prior inspection findings, the Commission has concluded that a sound technical basis for not requiring the same corporate staff support personnel to be exercised more than once annually has been provided.

The Commission has, therefore, granted an exemption, enclosed, from the requirements of 10 CFR 50, Appendix E, Section IV.F., applicable to both the Oconee and McGuire Nuclear Stations, stating that the exercising of the same headquarters support personnel need only be accomplished once per year. As stated in your October 10, 1983 letter, your commitment to provide headquarters support personnel for all exercises in which a State government participates on a full scale basis continues to apply.

This exemption does not apply to the Catawba Nuclear Station, as discussed in your October 10, 1983 letter. A copy of the Exemption is being filed with the Office of the Federal Register for publication.

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Hal B. Tucker

-2-

The recommendation in your March 9 letter regarding the amending of Section IV.F.h to address licensees with multiple sites is not being pursued at this time by the NRC staff. The NRC staff believes at this time that there is insufficient experience and data associated with the implementation of this provision to justify the refinement of the regulations that you recommend. You may, of course, formally petition for rulemaking pursuant to 10 CFR Part 2, Subpart H should you desire to formally seek an actual amendment to the regulations.

Sincerely,

Original signed by  
Darrell G. Eisenhut

Darrell G. Eisenhut, Director  
Division of Licensing

Enclosure:  
Exemption

cc w/enclosure:  
See next page

Distribution

Docket File  
NRC PDR  
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\*\*\*see previous concurrence

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Hal B. Tucker

-2-

The recommendation in your March 9 letter regarding the amending of Section IV.F.h to address licensees with multiple sites is not being adopted at this time. The NRC staff believes at this time that there is insufficient experience and data associated with the implementation of this provision to justify the refinement of the regulations that you recommend.

Sincerely,

Darrell G. Eisenhut, Director  
Division of Licensing

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Suermann;ef  
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ORB#4:DL  
JStolz  
12/9 /83

LB#4:DL\*  
RBirkel  
12/ /83

AD/L:DL  
GLamas  
12/9 /83

OELD ~~DL~~ - with noted additions to transmittal letter  
12/11 /83

Attachment always provided by JIS  
11/3/83

Hal B. Tucker

-2-

The recommendation in your March 9 letter regarding the amending of Section IV.F.h to address licensees with multiple sites is not being adopted at this time. The NRC staff believes at this time that there is insufficient experience and data associated with the implementation of this provision to justify the refinement of the regulations that you recommend.

Sincerely,

Darrell G. Eisenhut, Director  
Division of Licensing

Enclosure:  
Exemption

cc w/enclosure:  
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12/9/83

AD-OR:DL  
GLainas  
12/ /83

OELD  
12/ /83

Duke Power Company

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	Docket Nos. 50-269
	)	50-270
DUKE POWER COMPANY	)	50-287
	)	
(Oconee Nuclear Station,	)	50-369
Units 1, 2 and 3	)	and 50-370
McGuire Nuclear Station,	)	
Units 1 and 2)	)	

EXEMPTION

I.

Duke Power Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55 which authorize operation of the Oconee Nuclear Station, Units 1, 2 and 3 (Oconee or the facilities). The licensee is also the holder of Facility Operating Licenses Nos. NPF-9 and NPF-17 which authorize operation of the McGuire Nuclear Station, Units 1 and 2 (McGuire or the facilities). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The Oconee facilities are pressurized water reactors located at the licensee's site in Oconee County, South Carolina. The McGuire facilities are pressurized water reactors located at the licensee's site near Charlotte, North Carolina.

II.

Section IV.F. of Appendix E to 10 CFR 50 requires each licensee of a nuclear power facility to conduct an annual emergency preparedness exercise.

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Section IV.F. of Appendix E also requires that provisions be made for training and exercising of licensee employees, including licensee headquarters support personnel, in radiation emergency matters.

### III.

The licensee's letter of March 9, 1983, to Harold R. Denton, Director, Office of Nuclear Reactor Regulation, requested an exemption to be granted to the requirements of 10 CFR 50, Appendix E, IV.F. as applied to active participation by all licensee headquarters support personnel for each station's annual exercise. The licensee bases this request for exemption on the fact that with the addition of the Catawba Nuclear Station to the system the licensee will be conducting three exercises per year. Consequently, headquarters support personnel would be exercised three times per year. Based on experience gained during emergency preparedness exercises at the McGuire and Oconee Nuclear Stations during 1980, 1981, and 1982, the licensee proposes an alternative whereby licensee headquarters support personnel participate in emergency preparedness exercises once per year and not once per year per station.

In the same letter of March 9, 1983, the licensee provided commitments to provide adequate support by its headquarters support personnel to ensure effective exercises are conducted at each nuclear station. The Commission's staff has reviewed the results of past emergency preparedness exercises, results of emergency preparedness implementation appraisals, and results of routine emergency preparedness inspections at the McGuire and Oconee

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facilities. Licensee performance during past exercises has been determined to be adequate by the Commission's regional staff. The licensee has also been responsive to issues identified during the emergency preparedness appraisal and inspection program. The licensee has shown a willingness to take prompt action on problems identified during exercises, appraisals, and inspections. In addition, the regional staff has found through review of training programs, evaluation of personnel qualification and program administration, and by physical inspection of facilities and equipment, that licensee management is committed to effective emergency preparedness.

Granting of the proposed exemption would not relieve the licensee of the responsibility for providing full corporate support to each exercise in which a State government is participating on a full scale basis. The licensee, however, has in fact committed to fulfilling this responsibility in a letter dated October 10, 1983.

Based on (1) the licensee's demonstration of adequate performance during emergency preparedness exercises while staffing corporate positions on an annual basis, (2) the licensee's continuing commitment to emergency preparedness programs, and (3) the adequacy of the licensee's current emergency management system program, it is the staff's position that exercising the same corporate staff personnel more than once annually is not necessary to maintain adequate preparedness. Exercising of necessary corporate support personnel on an annual basis is sufficient to maintain proficiency and familiarity with the emergency work function. Therefore, the

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Commission's staff considers that the objectives of Section IV.F. of Appendix E to 10 CFR Part 50 are met and the licensee's request to be exempted from the requirement to exercise the same corporate staff support personnel annually for each station should be granted.

#### IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security, is otherwise in the public interest, and the licensee is hereby exempted from that portion of the requirements of 10 CFR Part 50, Appendix E, Section IV.F. requiring the licensee's headquarters support personnel to be exercised as part of the annual exercise for each station,

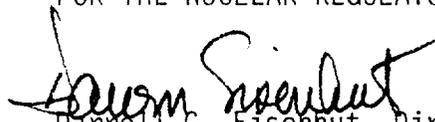
Provided that such personnel shall be exercised at least once each year as part of an annual exercise for one of the licensee's operating reactor facilities, and

Provided that the licensee shall furnish adequate headquarters support personnel to provide full corporate support to each exercise in which a State government is participating on a full scale basis.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Darrell G. Eisenhut, Director  
Division of Licensing  
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland,  
this 6th day of January 1984.