

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

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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
Local PDR
ORB#4 Reading
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OPA, C Miles
NSIC
J. Taylor
SECY
R. Diggs
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R. Birkel
M. Duncan

***see previous concurrence

***C-LB#4:DL ***AD/L:DL
EAdamsam TNovak
12/9/83 12/9/83

D. G. Eisenhut
12/11/83

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RIgram	JSuermann;ef	JStolz	RBirkel	GLainas	RRawson
12/8/83	12/8/83	12/ /83	12/9/83	12/9/83	12/13/83

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

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JStolz
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LB#4:DL*
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GLamas
12/9 /83

OELD ~~with noted additions to transcript letter~~
12/11 /83

Handwritten note:
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11/18/83

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

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Exemption

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D:DL
DEisenhut
12/ /83

OELD
12/ /83

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
2600 Bull Street
Columbia, South Carolina 29201

Regional Radiation Representative
EPA Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30308

Mr. J. C. Bryant
Senior Resident Inspector
U.S. Nuclear Regulatory Commission
Route 2, Box 610
Seneca, South Carolina 29678

Mr. Robert B. Borsum
Babcock & Wilcox
Nuclear Power Generation Division
Suite 220, 7910 Woodmont Avenue
Bethesda, Maryland 20814

Manager, LIS
NUS Corporation
2536 Countryside Boulevard
Clearwater, Florida 33515

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

McGuire

Mr. H. B. Tucker, Vice President
Nuclear Production Department
Duke Power Company
422 South Church Street
Charlotte, North Carolina 28242

cc: Mr. A. Carr
Duke Power Company
P.O. Box 33189
422 South Church Street
Charlotte, North Carolina 28242

Mr. F. J. Twogood
Power Systems Division
Westinghouse Electric Corp.
P.O. Box 355
Pittsburgh, Pennsylvania 15230

Mr. G. A. Copp
Duke Power Company
Nuclear Production Department
P.O. Box 33189
Charlotte, North Carolina 28242

J. Michael McGarry, III, Esq.
Debevoise & Liberman
1200 Seventeenth Street, N.W.
Washington, D. C. 20036

Mr. Wm. Orders
Senior Resident Inspector
c/o U.S. Nuclear Regulatory Commission
Route 4, Box 529
Huntersville, North Carolina 28078

James P. O'Reilly, Regional Administrator
U.S. Nuclear Regulatory Commission,
Region II
101 Marietta Street, Suite 3100
Atlanta, Georgia 30303

R. S. Howard
Operating Plants Projects
Regional Manager
Westinghouse Electric Corporation - R&D 701
P.O. Box 2728
Pittsburgh, Pennsylvania 15230

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

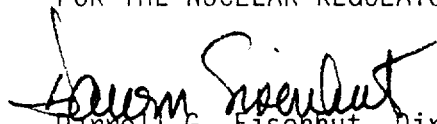
Provided that the licensee shall furnish adequate headquarters support personnel to provide full corporate support to each exercise in which a State government is participating on a full scale basis.

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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

A handwritten signature in dark ink, appearing to read "Darrell G. Eisenhut", is written over the typed name.

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

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