



RONALD A JONES
Vice President
Oconee Nuclear Site

Duke Power
ON01VP / 7800 Rochester Hwy.
Seneca, SC 29672

864 885 3158
864 885 3564 fax

October 25, 2005

U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTENTION: Document Control Desk

Subject: Duke Energy Corporation
Oconee Nuclear Station, Units 1, 2 and 3
Docket Nos. 50-269, 50-270, 50-287
10CFR55.53(f)(2) Exemption Request

Pursuant to the provision of 10CFR20.2301, "Application for exemptions," Duke Energy Corporation (Duke) is requesting an exemption from certain requirements of 10CFR55.53, "Condition of Licenses." The exemption request is provided as an attachment to this letter.

Specifically, Duke is requesting an exemption from the requirements of 10CFR55.53(f)(2) which delineate the requirements for the use of senior reactor operators (SROs) limited to fuel handling activities. Duke uses SROs for supervision of fuel handling activities during refueling outages. However, these SROs may not have been actively performing the functions of an SRO prior to the refueling outages. As such, they are required to spend a minimum of one shift under the direction of an active SRO before they may independently supervise the refueling activities. Duke is requesting an exemption from the requirement to spend one shift under the direction of an SRO as specified by 10CFR55.53(f)(2), provided the SRO has directly supervised refueling activities within the previous 12 months.

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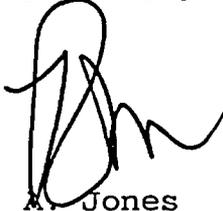
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Attachment 1 provides information supporting the request. As described in the enclosure, approval of the requested exemption would allow greater flexibility in the use of licensed personnel in support of refueling activities. The requested exemption satisfies the requirements of 10CFR20.2301 in that it is authorized by law and will not result in undue hazard to life or property. There are no known precedents for this request; however, Duke has discussed this issue with the staff in principle via telephone on October 18, 2005.

Approval of this exemption will allow Duke to proceed with the use of experienced SROs for refueling activities who have not actively performed the functions of an SRO during the previous 12 months. Duke is requesting approval of this exemption by March 31, 2006 to allow this exemption to be utilized during the spring 2006 Oconee refueling outage.

This request for exemption has been reviewed and approved by Oconee's Plant Operations Review Committee. If you have any questions, please contact Noel Clarkson at 864-885-3077.

Very truly yours,

A handwritten signature in black ink, appearing to be 'R. A. Jones', written over a circular stamp or seal.

R. A. Jones
Vice President
Oconee Nuclear Site

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Attachments

cc: Mr. L. N. Olshan, Project Manager
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Mail Stop O-14 H25
Washington, D.C. 20555

Dr. W.D. Travers, Regional Administrator
U.S. Nuclear Regulatory Commission - Region II
Atlanta Federal Center
61 Forsyth St., SW, Suite 23T85
Atlanta, Georgia 30303

Mr. M. C. Shannon
Senior Resident Inspector
Oconee Nuclear Station

Mr. Henry Porter, Director
Division of Radioactive Waste Management
Bureau of Land and Waste Management
Department of Health & Environment Control
2600 Bull Street
Columbia, S.C. 29201

ATTACHMENT 1
JUSTIFICATION FOR EXEMPTION REQUEST

10CFR55.53, "Conditions of Licenses," provides conditions to which each license is subject. 10CFR55.53(e) specifically addresses the requirements to maintain an active status for the license. To maintain an active status the licensee is required to perform the functions of an operator or senior reactor operator (SRO) on a minimum of seven 8-hour or five 12-hour shifts per calendar quarter. If this requirement is not met, 10CFR55.53(f) provides the requirements for resumption of functions authorized by a license. Specifically, 10CFR55.53(f)(1) states that the qualifications and status of the licensee must be current and valid prior to resumption of functions authorized by a license. 10CFR55.53(f)(2) states that for senior reactor operators limited to fuel handling, one shift must have been completed under the direction of an SRO in the fuel handling position.

Oconee Nuclear Site (Oconee) maintains personnel holding an SRO license both on shift and in non-shift staff positions. For SRO licensed personnel in non-shift staff positions, these personnel do not spend the on-shift time necessary to maintain their license in the active status. However, these personnel do participate in all the training required to satisfy the requirements of maintaining their license. This training includes both classroom and simulator training. During refueling outages, Oconee uses non-shift SRO licensed staff personnel to supplement shift manning by providing supervision of refueling activities. In accordance with 10CFR55.53(f)(2), SROs, who have not maintained an active license, spend one shift under the direction of (in parallel with) an active-licensed SRO performing the function of refueling supervision, in order to "re-activate" their license with the function limited to fuel handling activities. In general, the personnel who re-activate their license, for the purpose of fuel handling activities, are the same personnel from outage to outage. This allows the use of SROs with recent fuel handling experience in the function of refueling supervisors.

As Oconee is a three unit plant with a fuel cycle of approximately 18 months, there are two refueling outages in any given year. Consequently, non-shift staff SROs are used twice per year as refueling supervisors. For each refueling outage, these non-shift, staff SROs must "re-activate" their licenses for the purpose of fuel handling activities. Duke believes that this "re-activation" is unnecessary. The non-shift, staff SROs used to supervise the refueling activities are subject to the same requirements as on-shift SROs in maintaining their licenses. The only difference is that the non-shift, staff SROs do not actively perform the SRO function. It should be noted that on-shift, actively licensed SROs only have the opportunity to perform the refueling supervision function during refueling outages. Due to shift schedules, several outage opportunities may pass between performance of this function for on-shift personnel.

Duke requests an exemption to 10CFR55.53(f)(2) regarding the requirement that non-actively licensed personnel spend one shift under the direction of an SRO, in the performance of fuel handling activities, before being permitted to serve as the supervisor of fuel handling activities. Duke proposes that this exemption be allowed only if the non-actively licensed personnel have served in the position of refueling fuel handling supervisor in the previous 12 months. The requirement to function in this position within the previous 12 months, and the training associated with SRO license maintenance will ensure that any non-shift, staff personnel utilized (in the refueling fuel handling supervisor position) are both qualified and experienced.