



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

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NOV 09 1990

MEMORANDUM FOR: Gus C. Lainas, A/D for Region II Reactors, NRR

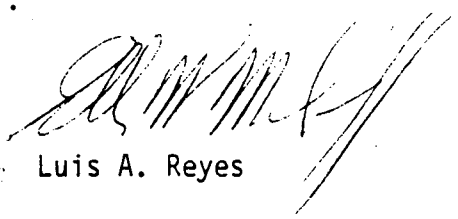
FROM: Luis A. Reyes, Director, Division of Reactor Projects

SUBJECT: TASK INTERFACE AGREEMENT - REQUEST FOR ASSISTANCE
TO DETERMINE REGULATORY BASIS TO IMPOSE NUREG-0654
GUIDANCE ON EMERGENCY FACILITY ACTIVATION TIME

At several Region II facilities, the licensee has Emergency Plans which call for activation and augmentation of Emergency Facilities (EOF, TSC) within specified times that exceed those contained in Generic Letter 82-33. Of particular concern are those at Farley and Oconee. Enclosed is a summary of the issues.

We request that NRR (A/D for Region II Reactors) take the lead in resolving this issue and suggest you convene a meeting among NRR, OGC and Region II to determine the course of action for the NRC. This meeting should consider drafting an ORDER per 10 CFR 50.109(a)(4)(i) or (iii) to bring these facilities into compliance with GL 82-33.

Region II will provide the necessary details to demonstrate differences from NRC Guidance. This matter was discussed and agreed to between D. Verrelli, Region II and E. Adensam of your staff.


Luis A. Reyes

Enclosure:
EP Deficiencies

9210060164 901109
PDR ADOCK 05000269
PDR

Memo
DFO

BRIEFING
FARLEY/OCONEE
ISSUES

Requirements

- Notwithstanding the Congel memo, the only clearly "enforceable" requirements (via 10 CFR 50.54(q)) in this area are the licensee's Emergency Plan commitments, namely:

Farley

- (1) Full staffing of the TSC within two hours of Alert or higher declaration (time allowed for activation is not specified).
- (2) Full staffing of the EOF within four hours of SAE or GE declaration, (time allowed for activation is not specified).

Duke

Duke Crisis Management Plan States

B.5 Minimum Staffing Requirements For Emergencies

Table B-1 of NUREG-0654 addresses only one member of the CMC staff in its staffing and response time requirements. The Senior Manager of the EOF (Recovery Manager) is listed as necessary for response in 60 minutes from declaration of the emergency. As specified in the station Emergency Plans, the Emergency Coordinator performs the role and function of the Recovery Manager until the CMC is activated. Thus, the ability to manage the overall response effort and make Protective Action Recommendations is not compromised.

- (1) CMC Charlotte (no time specified for activation)
- (2) CMC Oconee (no time specified for activation)
- (3) TSC 75 minutes serves as CMC until relieved by Recovery Manager at CMC (Catawba, McGuire, Oconee)

**If an Alert condition is expected to continue for more than approximately 1 hour, the CMC should be activated, especially if there is significant uncertainty about the duration of Alert. Consider the estimated length of time required to activate the CMC. If activation would take a relatively long time, consider early activation (e.g. Oconee ref CMIP-1).

N.B.: A crucial and possibly determining factor is that the NRC approved the above commitments after specific guidance in this area was issued via Supplement 1 to NUREG-0737 (see below). The approval mechanism was NRC review and acceptance of Revision 6 and 7 of the Emergency Plan, which presented the TSC/EOF staffing commitments.

- Section IV.E.8 of Appendix E to Part 50 requires that the Emergency Plan demonstrate compliance with the specification that adequate provisions be made for a TSC and an EOF "from which effective direction can be given and effective control can be exercised during an emergency."
- 10 CFR 50.47(b)(2) requires that the Emergency Plan provide for "timely augmentation of response capabilities." This general requirement is to be implemented via specific criteria in the Emergency Plan.

Chronology

Farley

- Discrepancy in Farley's Emergency Plan formally identified during Feb. 1989 inspection (Report Nos. 348, 364/89-01); tracked as IFI.
- Discussed during Dec. 1989 exercise inspection; licensee had taken no action.
- Referenced IFI was closed during April 1990 inspection because licensee management decided against changing commitments for activating ERFs.
- Memo to Congel on this issue was published 4-20-90.
- Response from Congel dated 7-11-90.

Duke

- Discussed during Oconee October 1990 exercise inspection
- Discussed with Ron Harris Duke Corporate EP Manager/D. Collins and E. Testa

Guidance

- NUREG-0654, Criterion II.B.5: invokes "Minimum Staffing Requirements" as presented in Table B-1, which gives supplemental staffing goals for 30 and 60 minutes.
- NUREG-0737, Supplement 1 (Generic Letter No. 82-33)
 - (1) Criterion 8.2.1.j: TSC to be "fully operational within approximately 1 hour after activation" is ordered.

(2) Criterion 8.4.1.i: EOF to be "staffed using Table 2 (previous guidance approved by the Commission) as a goal. Reasonable exceptions... should be justified and will be considered by NRC staff."

(3) Table 2: same as Table B-1 of NUREG-0654.

OPTIONS FOR ADDRESSING FARLEY TSC/EOF AUGMENTATION ISSUE

OPTION 1: Pursue a "full-scale" backfit per 10 CFR 50.109(c).

Advantages

- (a) Appears to be the most straightforward approach
- (b) High probability of success, in the staff's view
- (c) Shifts the burden of support to HQ once we provide them with relevant information

Disadvantages

- (a) Would be a significant resource burden on NRR, whose EPB staff is already heavily involved with Pilgrim issue
- (b) Could take considerable period of time to achieve desired end (i.e., enhancing the protection of the public health and safety)

OPTION 2: Invoke 10 CFR 50.109(a)(4)(i) or (iii) to bring into compliance

Advantages:

- (a) If successful, could achieve desired and much more quickly than Option 1
- (b) Would require much smaller NRC resource burden than Option 1

Disadvantage

- (a) A more risky approach than Option 1 since probability of successfully invoking one of the 10 CFR 50.109(a)(4) exception criteria is unknown

N. B.: The EPS staff believes the similar approach recommended in the Congel memo of 7-11-90 is not viable because it relies on the existence of applicable rules or orders of the Commission or written commitments by the licensee, none of which appear to exist. The HQ approach would invoke 10 CFR 50.109(a)(4)(i) to bypass the need for a backfit analysis.

Option 3: Inform the licensee that we have determined, based on their detailed presentation on 9-13-90, that their approach to staffing and activating the TSC and EOF represents an acceptable alternative to NRC guidance, and that we are reaffirming the previous NRC approval of their Emergency Plan with respect to this particular subject.

Advantage

Results in immediate disposition of issue

Disadvantages

- (a) Allows continued existence of an extremely outlying emergency response tactic
- (b) Establishes a precedent which would probably invite other licensees to seek approval of similarly less rigorous and demanding methodologies for staffing and activating emergency response facilities

OPTIONS FOR ADDRESSING DUKE CMC AUGMENTATION ISSUE

- Option 1: Pursue a "full-scale" backfit per 10 CFR 50.109(c)
- Option 2: Invoke 10 CFR 50.109(a)(4)(i) or (iii) to bring into compliance
- Option 3: Invite the licensee in to discuss activation time philosophies and how the Emergency Response Organization is prepared to respond
- Option 4: Accept the current Crisis Management Plan wording

Summary of NRR Position (7-11-90 memo)

- GL 82-33 effectively comprises NRC requirements because licensee certified compliance with the criteria therein, and NRR supposedly confirmed this in writing.
- Backfit analysis is therefore not required (in accordance with the exception criteria of 10 CFR 50.109(a)(4)).
- "Recommend that the region pursue bringing the Farley Nuclear Plant's Emergency Plan into line with the requirements of Generic Letter No. 82-33 and declare that this action is not backfit..."

Activation Times for Other Region II Facilities

- For Region II nuclear power facilities other than Farley, commitments for staff augmentation times range from 60 to 75 minutes for TSCs and 60 to 90 minutes for EOFs. A majority of licensees is committed to 60-minute augmentation of both TSC and EOF.

Recommendations

- Since the Regional staff believes a backfit analysis to be necessary while NRR does not, we should meet with NRR to resolve differing views and develop a consensus.
- We should subsequently meet with senior licensee management to establish a clear understanding of this issue by both parties.

Frequency of Crisis Management Center (EOC) Participation in Exercises and Drills

Requirements

- 10 CFR 50, Appendix E F.2 Each licensee at each site shall annually exercise its Emergency Plan.
- 10 CFR 50, Appendix E F.3(a) A State shall at least partially participate in each offsite exercise at each site.
- 10 CFR 50 Appendix E F Exercises shall test the adequacy of timing and content of implementing procedures and methods, test equipment and communications networks, test the public notification system, and insure that emergency organization personnel are familiar with their duties.
- Duke Power Crisis Management Plan definition of exercise "An exercise is an event that tests the integrated capability and a major portion of the basic existing within emergency preparedness plans and organizations.
- 10 CFR 50.47(b)(14) Periodic exercises are conducted to evaluate major portions of emergency response capabilities, periodic drills are conducted to develop and maintain key skills, and deficiencies identified as a result of exercises or drills are corrected.

Duke Crisis Management Plan states -

N.1 Exercises and Drills

N.1a/N.1.b Exercises

Duke Power Company will conduct an emergency exercise at each of its Nuclear Stations once per calendar year. These exercises will be designed to meet the requirements of 10 CFR Part 50 Appendix E. The Crisis Management Center staff will participate in at least one exercise per calendar year; however, the CMC staff will participate in all full-scale exercises involving full participation by the affected state(s). (Re: January 6, 1984 letter from Darrell G. Eisenhut of NRC to Hal B. Tucker and facility operating license NPF-35 for Catawba Nuclear Station).

The exercises will be designed to test the integrated capability of those involved and a major portion of the basic elements existing within the plans and organizations. The scenario for these exercises will be tested within a five-year period. The exercises will be initiated at various times of the day, but in every six year period from 1981 on (from 1984 on for Catawba), one exercise at each station will begin between 6:00 P. M. and midnight, and another between midnight and 6:00 A. M.

Chronology

- 3/9/83 supplemented by a 10/10/83 Duke request for exemptions from the requirement of 10 CFR 50, Appendix E and 10 CFR 50.47 for Oconee, McGuire and Catawba
- Exemption granted for Oconee and McGuire only in 1/6/84 (Eisenhut to Tucker). Supporting determination for the exemption states "... 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... adequate headquarters support personnel to provide full corporate support to each exercise in which a State government is participating on a full scale basis." Only one CMC in Charlotte was being used. No revision to Plan when Oconee CMC declared operational.
- Fullscale/small scale exercise have been changed in the regulations in 1985 to Full participation and partial participations exercise. The Plan was not revised to reflect regulations change. The exemption only addressed fullscale and small scale exercises.

Charlotte CMC

- Charlotte CMC activated 6/7/90 for Catawba (met N.1 Plan requirement)

Oconee CMC

- Last fullscale activation April 1986 (Different location)
- New CMC Operational July 1, 1989
- Internal Duke Drill in new CMC July 23, 1989
- Has never been evaluated

Options for Addressing Duke CMC Activation Frequencies

- Option 1: Leave Charlotte CMC commitment as is and request plan change to activate Oconee CMC annually.
- Option 2: Identify that the Crisis Management Plan does not meet the definition of exercise as stated in their CMP and 10 CFR 50 Appendix E IV(F).
- Option 3: Make a determination that Oconee does not meet the requirements of 10 CFR 50 Appendix E IV(F)(2)(3) by not activating the Oconee CMC.
- Option 4: The NRC has not evaluated the Oconee CMC therefore the NRC can not make a finding that the Oconee CMC can demonstrate effective direction and effective control during an emergency and thus does not meet 10 CFR 50 Appendix E IV. E.(8).

Option 5: Have Ocone change their plan and or corporate plan to accommodate 2 separate CMCs and the reflection of full, or partial exercise.

ERF Facilities Staffing Time

CP&L

Staffing Time

Brunswick

OSC	60-75 minutes
TSC	60-75 minutes
EOF	60-75 minutes

Robinson

OSC	60-75 minutes
TSC	60-75 minutes
EOF	60-75 minutes

Shearon Harris

OSC	60-75 minutes
TSC	60-75 minutes
EOF	60-75 minutes

Duke

CMC - Charlotte (no specific time)

CMC - Oconee (no specific time drive time of 3 hrs from Charlotte)

Catawba

OSC 75 minutes

TSC 75 minutes Serves as CMC until relieved by Recovery
Manager at CMC (Core thermal 45 min)

McGuire

OSC 75 minutes

TSC 75 minutes Specified served as CMC until relieved by
Recovery Manager at CMC (Core thermal 45 min)

Oconee

OSC 75 minutes

TSC 75 minutes Serves as CMC until relieved by Recovery
Manager at CMC (Core thermal 45 min)

FP&LStaffing TimeSt. Lucie

OSC	60 minutes
TSC	60 minutes (Core thermal 3 in 45 vs 30 min)
EOF	60 minutes

G P CoHatch

OSC	60 minutes
TSC	60 minutes
EOF	60 minutes

Vogtle

OSC	60 minutes
TSC	60 minutes
EOF*	60 minutes

TVAStaffing Time

CECC

60 minutes

BFN

OSC

60 minutes

TSC

60 minutes

SQN

OSC

60 minutes

TSC

60 minutes

VEP

Corp EOF

30 minutes

North Anna

OSC

60 minutes

TSC

60 minutes

EOF

60 minutes

SurryStaffing Time

OSC	60 minutes
TSC	90 minutes
EOF	90 minutes

Ala Power

OSC	60 minutes
TSC	(within) 120 minutes
EOF*	60 minutes (4 hrs for Sr. Manager to arrive)

Fla Power

OSC	60 minutes
TSC	60 minutes
EOF	60 minutes

So. Carolina Gas & Elec

OSC	60 minutes
TSC	60 minutes
EOF	60 minutes

System Energy Resources Inc.

OSC	60 minutes
TSC	60 minutes
EOF	60 minutes