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SUBJECT: Forwards descriptions of exemptions no longer in effect for  
 ONS.

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**DUKE POWER**

June 15, 1995

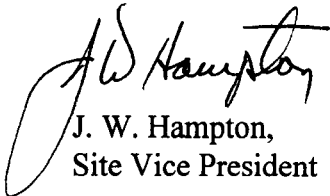
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Subject: Duke Power Company  
Oconee Nuclear Station  
Docket Nos. 50-269, -270, -287

A review of Oconee correspondence with NRC has been performed recently and it has been decided to update the Oconee correspondence docket to accurately reflect the status of several exemptions that have been granted pursuant to 10 CFR 50.12. Accordingly, the attachment briefly describes exemptions granted which Duke considers to be no longer in effect.

If there are any further questions about this item, please contact Robert L. Gill at (704) 382-3339 or David Nix at (803) 885-3634.

Very truly yours,

  
J. W. Hampton,  
Site Vice President

Attachment

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ADD1

U. S. Nuclear Regulatory Commission  
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## **Attachment**

The following are brief descriptions of exemptions no longer in effect for Oconee Nuclear Station:

### **A. CFR 50, 50.54(w)(4)**

The NRC promulgated a final rule effective October 5, 1987 that amended its regulations requiring licensees to maintain substantial amounts of onsite property insurance to provide financial security for stabilizing and decontaminating their licensed reactors in the event of an accident. The decontamination priority and trust provisions of 10 CFR 50.54(w)(5)(i) were required to be incorporated into insurance policies by October 4, 1988.

In late September 1988, insurance policies fully satisfying the decontamination priority and independent trustee requirements were not available. NRC initiated rulemaking on September 19, 1988 to extend the implementation schedule for the decontamination priority and independent trustee requirements for 18 months. However, because it was unlikely that the rulemaking action would be complete by October 4, 1988, the Commission issued temporary exemptions from the requirements of 10 CFR 50.54(w)(5)(i) until completion of the then pending rulemaking.

The rulemaking was complete and this exemption is considered no longer in effect.

### **B. CFR 50, 50.55a(g)**

Duke Power requested by letter dated December 2, 1983 an exemption to the requirements of 10 CFR 50.55a(g). Duke requested that the start date for the second interval for Inservice Inspection (ISI) and for Inservice Testing (IST) for all three Oconee units be other than 120-months from the commercial operation date for the respective unit, and further, that all three dates be the same common date. The NRC reviewed the justification that had been provided and by letter dated November 7, 1984 issued an exemption approving the common start date for the second interval of ISI and IST of each Oconee unit.

The IST common start date exemption is still in effect.

By letter dated January 23, 1986, Duke requested that the common start date for the ISI interval be revised to become March 1, 1984. This revised common start date was accepted by the NRC in a letter dated May 14, 1991 which provided the Staff Safety Evaluation Report on the Inservice Inspection Program for the Second Ten-Year Interval

for Oconee Nuclear Station, Units 1, 2, and 3. Subsequently, in a letter dated July 21, 1993, Duke Power informed the NRC of Duke's intent to comply with the allowances in the ASME Code and to not utilize the common start date for the third ten-year ISI interval. No response was requested from the NRC. By letters dated December 20, 1993 and June 14, 1994, Duke Power submitted third ten-year interval ISI plans for all three Oconee units. The common start date exemption for ISI is considered no longer in effect.

### **C. CFR 50, Appendix E**

By letter dated March 9, 1983, Duke Power requested an exemption to the requirements of 10 CFR 50, Appendix E as applied to the active participation of all Crisis Management Center personnel on each station's annual exercise. The NRC granted this exemption for Oconee in a letter dated January 6, 1984.

Subsequently, due to reorganization of Duke Power, resources for manning the Emergency Operation Facility are provided by personnel from Oconee. This exemption is considered no longer in effect.

### **D. CFR 50, Appendix H**

Early in 1976, damage to the reactor vessel surveillance holder tubes occurred at one of the B&W NSSS plants. Duke Power requested exemptions to the requirements of 10 CFR 50, Appendix H by letter dated March 16, 1976, for Unit 1 cycle 3; by letter dated March 22, 1976 for Unit 3 cycle 1; and by letter dated May 7, 1976 for Unit 2, cycle 2. In 1976, 10 CFR 50, Appendix H, paragraph II.C.2 required that the surveillance capsules be located in the reactor vessel being monitored. Because of the damaged holder tubes, the Oconee vessels were no longer in compliance with the regulation.

The NRC granted the requested exemptions by letters dated March 26, 1976 for Unit 1; June 25, 1976 for Unit 2; and April 16, 1976 for Unit 3. The exemptions permitted operation for the duration of the then current fuel cycles.

Because a permanent solution had not yet been determined, Duke Power requested by letter dated September 24, 1976 an exemption to the requirements of 10 CFR 50, Appendix H for Unit 3, cycle 2. NRC granted this exemption request by letter dated October 23, 1976.

By letter dated March 10, 1977, Duke Power requested an exemption from the provisions of 10 CFR 50, Appendix H which would permit future operation of Units 1, 2, and 3 of Oconee Nuclear Station while irradiating the remaining reactor vessel surveillance specimens at Crystal River 3. By letter dated July 14, 1977, the NRC granted this requested exemption for a period of five years from the date of the approval letter.

Near the end of the first five year period, Duke Power requested an extension of the exemption in a letter dated January 14, 1982. This request was granted by the NRC in a letter dated June 16, 1982 for an additional five years.

Subsequently, in May 1983 (48 FR 24011), 10 CFR 50 Appendix H was revised to read: "an integrated surveillance program may be considered for a set of reactors that have similar design and operating features." The B&W Owners Group developed and submitted to the NRC for approval a document entitled "Integrated Reactor Vessel Material Surveillance Program", February 1984, BAW-1543, Revision 2 and 2A. Duke requested a technical specification change to eliminate the capsule withdrawal schedule from technical specifications and to reference BAW-1543 in a letter dated July 29, 1985. BAW-1543 was approved by the NRC by letter dated March 13, 1986. Subsequently, by letter dated July 3, 1986, Duke requested withdrawal of the exemption from the requirement for a continuing in-vessel material surveillance program.

Oconee Technical Specifications were amended October 19, 1987 to delete those TSs related to the reactor vessel material surveillance program. The statement was made in this NRC letter that "upon approval by the Director, ONRR, the exemption from Appendix will be nullified." However, no further letters or actions by NRC on this exemption could be located. This exemption is considered no longer in effect.

## **E. CFR 50, Appendix J**

The testing requirements for containment, both Type A integrated leak rate tests and local leak rate tests are prescribed by 10 CFR 50, Appendix J. In August 1975, the NRC requested that Duke determine if containment leakage testing at Oconee was in full compliance with 10 CFR 50 Appendix J. The area of focus at this time was the local leak rate testing of all penetrations. In later years, Duke considered exemptions to the specific requirements of Type A testing.

With respect to local leak rate testing of all penetrations, Duke Power made an initial submittal which requested several exemptions to Appendix J on November 30, 1976. This was followed by several more submittals and ultimately resulted in the issuance of changes to the Oconee technical specifications by NRC letter dated November 6, 1981. In this NRC letter, it was established the Oconee was in compliance with 10 CFR 50, Appendix J and that no exemptions were required.

In August 1986, Duke Power requested an exemption to the requirements of Appendix J, paragraph III.A.3 in order to permit the use of the mass-plot method for calculating containment leakage. This exemption request was granted by the NRC in a letter dated February 24, 1987. Appendix J was subsequently revised in November 1988 to allow the use of the mass-plot method for calculating containment leakage, thus eliminating the need for the previously NRC approved exemption. This exemption is considered no longer in effect.