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U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, DC 20555

Subject: Additional Information to Support Request for Exception to NUREG-0696  
Guidance on Emergency Operations Facility (EOF) Location  
Oconee Nuclear Station  
License Numbers NPF-38, NPF-47, NPF-55  
Docket Nos. 50-269, 50-270, 50-287

In accordance with 10CFR50.54(q), Conditions of Licenses, Duke Energy Corporation ("Duke") submitted a request in January 2004 that an exception be granted to the Emergency Operations Facility (EOF) location requirements contained in NUREG-0696 for Oconee Nuclear Station. In this submittal, Duke proposed relocating the EOF for Oconee to Charlotte, North Carolina, at the Duke Energy Corporation General Office.

During a conference call on February 02, 2004, the NRC reviewer requested additional information to assist in the review of this submittal. The attached information is provided in response to this request. Attachment 1 contains information related to specific concerns identified by the reviewer. Attachment 2 contains draft Emergency Plan changes requested by the reviewer.

There are no new commitments to the NRC contained within this correspondence. If you have questions, please call Rodney Brown at (864) 885-3301 or Tina Kuhr at (704) 382-3151.

Very truly yours,

R. A. Jones, Vice President  
Oconee Nuclear Site

Attachments

A-0413

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Oconee Master File

**Attachment 1**

**Oconee Nuclear Station  
Common EOF Request For Exception  
Supplemental Submittal**

On June 3, 1983, Duke Power Company submitted a request for exception from NUREG guidance related to the location of the EOF for Oconee. The intent of this request was to relocate the Oconee EOF from its near site location to the Charlotte EOF. The Charlotte EOF, which is located approximately 120 miles from the Oconee Nuclear Site, was designed in accordance with NUREG 0696 and 0737 guidance to support Catawba and McGuire stations during an emergency event. On July 20, 1984, the Nuclear Regulatory Commission sent a letter to Duke Power denying the request. On August 20, 1984, Duke Power Company filed in the United States Court of Appeals for the Fourth Circuit a petition for review of the Commission's orders declining to approve Duke's exemption (sic) request. On June 24, 1985, the United States Court of Appeals for the Fourth Circuit affirmed the Commission's denial of exemption.

The purpose of this supplemental submittal is to describe the changes that have taken place since 1983 that support Duke's current request for an exception to NUREG-0696 as it relates to the location of the Oconee EOF.

#### **Duke Common EOF Request of 1983-1984**

On June 3, 1983, Duke Power Company submitted a request for exception from NUREG guidance related to the location of the EOF for Oconee. The intent of this request was to relocate the Oconee EOF from its near site location to the Charlotte EOF. This facility was designed in accordance with NUREG 0696 and 0737 guidance to support Catawba and McGuire stations during an emergency event. The Charlotte EOF is located approximately 120 miles from Oconee.

On February 22, 1984, SECY 84-89 was issued by the NRC, documenting the staff's reasoning for disapproving the request for exception related to the location of the Oconee EOF. The Staff recommended Commission disapproval of the request for the following reasons:

1. The principal emergency management and the EOF staff will be unable to interact directly with their Federal, State, and local counterparts located near the site.
2. In addition, the Duke Recovery Manager (currently known as the EOF Director) will not be in face-to-face communication with the NRC Director of Site Operations.
3. Further the staff argued:  
    "...since the Recovery Manager is in Charlotte, he cannot go directly to the plant or State Forward Emergency Operations Center to confer with these managers as needed. All communications between the Recovery Manager and the appropriate Federal, State, and local officials will be limited to voice communications. This isolation of the EOF Management from the plant site will result in a higher degree of interfacing by the NRC Site Team and offsite officials with Duke personnel located in the Oconee TSC and the Joint News Center (currently known as the Joint Information Center), which is inappropriate and may result in confusion, impeding the emergency response."

On May 14, 1984, SECY 84-89A was issued by the NRC in response to a presentation by Duke personnel requesting further consideration of the EOF location exception request. The staff reiterated their original position and stated:

“The staff believes that having the licensee key emergency management personnel available near the plant site to interface directly with management officials from the NRC, FEMA, State, and other response agencies is essential to a successful emergency response.”

Duke Power appealed this decision by the NRC to the Fourth Circuit Court Of Appeals in February 1985. On June 24, 1985, the Court of Appeals ruled “...We are unwilling to substitute our judgment in a matter as arcane as nuclear safety, where there may be good reasons on both sides of the argument, for that of the agency with both the responsibility and the expertise in the field.”

The petition for review and vacation of the decision of the NRC commission was denied.

### **Current State of Emergency Response**

Since the original request for exception in 1983, a number of significant changes have occurred that warrant reversal of the staff's position on location of the EOF for Oconee.

The following details those changes that have occurred since Duke Power's original exception request in 1983.

### **Concept of Operations**

1. The State of South Carolina no longer deploys their decision makers to a near site Forward Emergency Operations Center. Rather, it directs the State's Emergency Response from the State Emergency Operations Center in Columbia. Thus, whether the EOF is in Clemson, South Carolina or Charlotte, North Carolina, communications between the Licensee and the State decision makers will be by telephone.
2. The State of South Carolina sends an Emergency Management liaison to co-locate with the utility decision makers in the EOF. The EOF in Charlotte, NC is closer to the State EOC in Columbia than the EOF in Clemson, SC. Therefore, response by State personnel to the EOF in Charlotte will be faster. The liaison has multiple communication pathways back to Columbia, including commercial telephone and dedicated phone circuits (decision line). Radios on the state Emergency Operations frequency are also available as a backup. This liaison is actively involved with SC State Emergency Management personnel during any emergency event. With the State liaison co-located at the Charlotte EOF, face-to-face communications with the utility decision maker will exist.
3. The State of South Carolina sends Department of Health and Environmental Control liaisons to co-locate with utility personnel who have responsibility for dose assessment and field monitoring in the EOF. The liaison has multiple communication pathways back to

- Columbia, including commercial telephone and dedicated phone circuits (decision line). Radios on the state Emergency Operations frequency are also available as a backup.
4. Duke sends liaisons to the State Emergency Operations Center in Columbia and to the 10-mile EPZ counties. These liaisons support the State and local emergency response agencies by providing additional information to the key decision makers. These liaisons are in communication with the Technical Liaisons in the EOF.
  5. Duke moves responsibility for making Emergency Classification, State and County Notification, and Protective Action Recommendations to the EOF once the EOF is activated. Field Monitoring Teams are directed from the EOF, and the lead for Dose Assessment transfers to the EOF when the facility is activated.
  6. The NRC Site Team co-locates with the key Decision Makers in the EOF. Provisions already exist for designated members of the site team to locate in the TSC and OSC at the site. The NRC team members at the site are in communication with their counterparts in the EOF over the NRC's Emergency Telecommunications System (ETS). With the NRC Site Director of Operations located at the Charlotte EOF, face-to-face communications with the key utility decision makers exists. In addition, face-to-face communication exists with State emergency responders at the Charlotte EOF.

#### Emergency Response Facilities and Communications Infrastructure

1. Duke has upgraded our emergency telecommunications systems. Two dedicated systems are used to communicate with the State and County Decision Makers. The first is the Selective Signaling System, which is the primary means for transmitting Emergency Notifications to the States and Counties. The second system is the Decision Line, which is used to coordinate protective action decision making with the offsite agencies.
2. The NRC has required the implementation of the Emergency Response Data System (ERDS). South Carolina has signed a Memorandum Of Understanding (MOU) with the NRC allowing them to access plant data through ERDS. This capability has been demonstrated in a number of evaluated exercises.
3. The NRC issued Generic Letter 91-14 requiring the installation of FTS-2000 telecommunications system. Compliance with the Generic Letter required installation of additional telecommunications equipment in the TSC and EOF to support the NRC Site Team. Implementation of these requirements was completed at Oconee in 1992. Installation of this system enables the NRC Site Director of Operations in the Charlotte EOF to be in constant communication with NRC personnel located at NRC Headquarters, NRC Region II, and at the Oconee TSC. In 2001, the Emergency Telecommunications System at all Duke sites was upgraded to be consistent with the guidance in NRC RIS 00-011.
4. EOF personnel in Charlotte have access to Oconee plant data through the WAN/LAN. Oconee utilizes the same data acquisition system as Catawba and McGuire (SDS – Satellite Display System). SDS has the capability to provide real time plant data to emergency response personnel at Oconee and the Charlotte EOF.
5. Duke Power utilizes the same dose assessment model at all three sites. The model has site specific inputs; however, its operation is the same. Access to the dose assessment model for Oconee is available at the Charlotte EOF.

NRC Issues/Duke Response

NRC Issue	Duke Response
<p>1. The principal emergency management and the EOF staff will be unable to interact directly with their Federal, State, and local counterparts located near the site. (SECY 84-89 page 4)</p> <p>The staff believes that having the licensee key emergency management personnel available near the plant site to interface directly with management officials from the NRC, FEMA, State, and other response agencies is essential to a successful emergency response. (SECY 84-89A page 1)</p>	<p>Duke moves responsibility for making Emergency Classification, State and County Notification, and Protective Action Recommendations to the EOF once the EOF is activated. The NRC Site Team co-locates with the key Decision Makers in the EOF. The State of South Carolina no longer deploys their decision makers to a near site Forward Emergency Operations Center. Rather, they direct the State's Emergency Response from the State Emergency Operations Center in Columbia. Thus, communications between the Licensee and the State Decision Makers will be by telephone. The State of South Carolina sends an Emergency Management liaison to co-locate with the utility decision makers in the EOF. The State of South Carolina also sends Department of Health and Environmental Control liaisons to co-locate with utility personnel who have responsibility for dose assessment and field monitoring in the EOF. The counties do not send representatives to the EOF. Duke sends liaisons to the State Emergency Operations Center in Columbia and to the 10-mile EPZ counties. These liaisons are in communications with the Technical Liaisons in the EOF.</p>
<p>2. The Duke Recovery Manager (currently known as the EOF Director) will not be in face-to-face communication with the NRC Director of Site Operations. (SECY 84-89 page 4)</p>	<p>The NRC Site Team co-locates with the key Decision Makers in the EOF.</p>
<p>3. The NRC believes that it is extremely important that the licensee's manager of the emergency (and key members of the EOF staff) be located close enough to the site to be able to discuss the offsite conditions and recommend protective actions face-to-face with responding offsite Federal, State, and local officials as well as the NRC Director</p>	<p>The NRC Site Team co-locates with the key Decision Makers in the EOF. The State of South Carolina no longer deploys its decision makers to a near site Forward Emergency Operations Center. Rather, it directs the State's Emergency Response from the State Emergency Operations Center in Columbia. Thus, it is no longer true that all of the</p>



NRC Issue	Duke Response
<p>of Site Operations and the Site Team....all of the responding management officials would be located in the vicinity of the Oconee plant except for Duke Power management personnel. (SECY 84-89 page 4)</p>	<p>responding management officials would be located in the vicinity of the Oconee plant except for Duke Power management personnel</p> <p>Duke has upgraded its emergency telecommunications systems. Two dedicated systems are used to communicate with the State and County Decision Makers. The first is the Selective Signaling System, which is the primary means for transmitting Emergency Notifications to the States and Counties. The second system is the Decision Line, which is used to coordinate protective action decision making with the offsite agencies. For communication with the NRC, Duke has installed the Emergency Telecommunications System at Duke Emergency Response Facilities. This system has been upgraded consistent with the guidance in NRC RIS 00-011.</p>

**Comparison to NUREG 0696/0814**

The format of the original submittal was structured according to the format of NUREG 0696. The Charlotte EOF is not a new facility, but rather a facility that was designed to meet the requirements of NUREG 0696. This facility currently serves as the EOF for Catawba and McGuire Nuclear Stations. The staffing, layout, function, and equipment available in the Charlotte EOF are equivalent to the current Oconee EOF. Use of the Charlotte EOF has been evaluated by the NRC for Catawba and McGuire (NRC Inspection Reports 50-369/88-03 and 50-370/88-03, and 50-413/87-36 and 50-414/87-36).

Oconee Emergency Plan changes required to support this submittal are minor. They primarily consist of editorial comments to reflect the use of the Charlotte EOF and its physical layout. Draft changes are included as Attachment 2.