

**POLICY ISSUE**  
(Notation Vote)

December 23, 2004

SECY-04-0236

FOR: The Commissioners

FROM: Luis A. Reyes  
Executive Director for Operations /RA/

SUBJECT: SOUTHERN NUCLEAR OPERATING COMPANY'S PROPOSAL TO  
ESTABLISH A COMMON EMERGENCY OPERATING FACILITY AT ITS  
CORPORATE HEADQUARTERS

PURPOSE:

To obtain Commission approval of the proposal by Southern Nuclear Operating Company (SNC) to combine the existing near-site emergency operations facilities (EOFs) for the Edwin I. Hatch Nuclear Plant (HNP), the Joseph M. Farley Nuclear Plant (FNP) and the Vogtle Electric Generating Plant (VEGP) into a common EOF.

SUMMARY:

The SNC proposed to combine the EOFs at its three operating nuclear plant sites into a common EOF at its corporate offices in Birmingham, Alabama. The circumstances in this proposal are as follows: (1) the distances from the respective sites to the common EOF are 1½ to 2 ½ times greater than existing ones, (2) common EOFs are prevalent in Region II, and (3) the request involves multiple State and local emergency management agencies. The staff has determined that at the proposed distances, it cannot consider the proposed location to be "near-site," and therefore, an exemption from 10 CFR 50 Appendix E section E.8 and 10 CFR 50.47(b)(3) that requires an EOF to be "near-site" is required (the exemption request and the associated environmental assessment have been attached for information).

While arguably, the greater distances involved in the proposed plan could impede the licensee's and NRC's ability to perform their respective functions, the staff believes that advancements in

Contact: Kevin Williams, NSIR/DPR  
301-415-1104

communications, monitoring capabilities, computer technology, the familiarity of Region II staff with the use of common EOFs, and the SNC's emergency response strategies adequately compensate any impediments. Furthermore, as a result of its remote location, the common EOF could provide additional capabilities in response to security events as the licensee can effectively mobilize and manage its resources and communicate effectively with the site, Federal, State, and local emergency management. The staff is confident that this proposal will continue to provide reasonable assurance that adequate protective measures can and will be implemented in the event of a radiological emergency.

#### STAFF EVALUATION:

Commission approval is required for an EOF to be more than 25 miles from the Technical Support Center (The original distance of 20 miles, specified in NUREG-0696 and Supplement 1 to NUREG-0737, was changed by the Commission in its SRM dated September 18, 1996, regarding SECY-96-170, dated August 5, 1996). The distances from the plant sites to the proposed common EOF range from 213 miles (FNP) to 352 miles (HNP). The Commission approved two previous exceptions to the guidance because (1) the licensees were able to interface and effectively communicate with Federal, State, and local emergency management agencies, and (2) reasonable assurance was provided that adequate protective measures can and will be implemented in the event of a radiological emergency. The Commission disapproved one other exception to the guidance because the licensee did not make provisions to interface with Federal, State, and local emergency management agencies near the site. The licensee would have been at a remote location while Federal, State, and local officials would have been at a location near the site.

The staff has determined an exemption to the regulations is required for this proposal, as the location of the common EOF from the respective sites cannot be considered "near-site." However, as part of the top-down review of Emergency Preparedness, the staff has identified 10 CFR 50 Appendix E section E.8 and 10 CFR 50.47(b)(3) as opportunities to enhance the emergency preparedness regulatory structure. The staff will propose rulemaking to remove "near-site" from the regulations, as a more performance based requirement is appropriate because licensees that have a common EOF or are located at distances greater than 25 miles have effectively demonstrated through drills and exercises that a "near-site" EOF is not necessary to protect the public health and safety and promote the common defense and security.

The staff has requested that licensees who want to establish a common EOF demonstrate the ability to respond to a multi-site event. The staff observed a dual-site drill on July 14, 2004, involving HNP and FNP. The staff observed the licensee's notification process, staffing, communication, technical support, dose assessment, protective action recommendation process, coordination with offsite officials, and overall command and control. The licensee demonstrated the capability to effectively respond to a dual-site emergency event. EOF staffing was in accordance with the procedures. The offsite agencies received timely and accurate information, and adequate protective measures were recommended to protect the public health and safety. The observation team for the dual-site drill, conducted on July 14, 2004, consisted of members from the December 18, 2003, TMI dual-site drill observation team, NRC Headquarters Emergency Preparedness Directorate staff and Region II staff.

The staff considered the following factors in conducting the evaluation of SNC's proposal to establish a common EOF for FNP, HNP, and VEGP.

Functions:

In accordance with NUREG-0696, an EOF must have facilities for the following functions:

1. management of overall licensee response effort
2. coordination of radiological and environmental assessment
3. determination of protective actions
4. coordination of emergency response activities with Federal, State, and local agencies

The proposal meets the above criteria but deviates from the guidance in the management of overall licensee response effort by keeping the authority to declare the emergency action levels (EALs) on-site with the Emergency Director (ED) at the Technical Support Center (TSC). However, the licensee has offered that the EAL declaration will be enhanced because the ED can interact face-to-face with the operations crew, has day-to-day operational awareness of plant status, and has plant operations experience. In addition, consistent with industry practice, the ED consults with the EOF Manager in determining the EALs. Event classification has been retained at other common EOFs with no adverse effect on the protection of the health and safety of the public.

Staffing and Training: The personnel staffing the common EOF consists of a designated minimum staff and staff to support full operations. The minimum staff is capable of performing all of the EOF functions. SNC previously staffed its Corporate EOF within 60 minutes from the time of notification of a site area emergency. SNC has committed to augmenting its emergency response organization (ERO) to achieve operational status (including command and control functions) within 60 minutes from the time of notification (the time of notification will not exceed 15 minutes) of an Alert or higher emergency declaration, which is consistent with the NUREG-0696 goal of activating the emergency response facility within 60 minutes. In addition, the licensee has established an on-call list/duty roster. These personnel are required to remain fit for duty and be able to respond to the common EOF in 60 minutes.

SNC conducted an unannounced drill on July 1, 2004, to demonstrate that the capability exists to staff the common EOF facility in a timely manner. The SNC staff responded within 42 minutes and achieved a two-deep response in 50 minutes.

SNC has identified two positions that will have site-specific responsibilities (EOF Manager and Technical Supervisor). If an emergency event occurs at more than one site, the responsible EOF Managers and Technical Supervisors will respond to the common EOF for their respective sites.

Personnel who respond to the EOF will be trained on the emergency plan and their specific ERO position. SNC has a goal of activating the EOF in support of all activities that include TSC activation. This would result in a common EOF activation for a drill/exercise at least three times a year. In addition, as stated in the emergency plan, the licensee has committed to conducting a drill once every 5 years involving more than one SNC site.

Location: The licensee's proposed common EOF is 213 miles from FNP, 316 from VEGP, and 352 miles from HNP. Although these distances are more than 25 miles from the plants, the location of the proposed EOF continues to provide functionality and availability characteristics for meeting the licensee's functions and responsibilities by performing all the functions of a "near-site" EOF. The remote location allows the common EOF to function unaffected by the release of radioactive material from any of the licensee's sites. In addition, the licensee coordinated the proposal of a common EOF with the States and with local emergency management agencies and has obtained their concurrence.

Size: The proposed EOF includes the core command center of approximately 4032 square feet and can, if necessary, encompass any work area inside SNC's seven-story corporate office. Based on the requirements of NUREG-0696, Section 4.4, the maximum occupancy level of the EOF is 53. The maximum anticipated staffing level required to support the proposed common EOF is 35 (21 SNC staff personnel, 9 NRC personnel, 1 FEMA representative and 1 representative from each of the four States). If needed, additional SNC personnel may support the EOF either from within the core command center or from any work area inside SNC's corporate office.

Communications: The licensee has committed to provide the same level of communications that exists at its current near-site EOFs: commercial telephones, bridge lines, radios, an offsite premise extension (OPX) (to bypass local telephone switching), SNC's own phone system (Southern LINC), a direct ringdown system (Emergency Notification Network (ENN)), and the FTS lines for NRC use. The installation of the FTS lines is being coordinated with Region II and will be completed if approval is given to the proposed common EOF and prior to implementation of the change.

The licensee has capitalized on an advancement in computer technology through the use of a new communication tool called "Web EOC." This allows States, local emergency management agencies, and the licensee to exchange information without having to meet face-to-face. The web EOC has event status, significant events, and the ability to be broadcasted at multiple sites.

Potential Overloading of Common EOF: The establishment of a common EOF for three sites could result in the need to respond to an emergency event at more than one site. The licensee has revised its procedures to have the capability to augment its EOF staff for multiple emergency events at FNP, HNP, and VEGP sites. Several positions have been designated as plant-specific and personnel have been designated for each of the three sites. In the unlikely event of a multisite accident, SNC will mobilize its entire EOF staff, using its ERO notification system. Personnel who are not needed will be briefed, placed on stand-by, and dismissed.

Impact on NRC's Incident Response and NRC Resources: Region II's incident response staff has been participating in drills and exercises with common EOFs for more than 15 years and has not encountered any problems and does not foresee any problems with the proposed common EOF for SNC. Region II thoroughly understands the functionality of the common EOF. The Region has been directing the incident response staff to respond to more than one location during an event while maintaining effective internal and external communications. Region II staff has not identified any concerns about whether the State/local officials can effectively function with the licensee's EOF being located in Birmingham, AL. If the NRC site team determines they need to relocate from the common EOF in Birmingham to be near the site, the

former near-site EOF which was located at the Training Center would be able to accommodate the NRC staff. However, Region II incident response staff has indicated this is not an expected action.

Region II has experience with the following common EOFs: Tennessee Valley Authority (Browns Ferry, Sequoyah, and Watts Bar) and Duke Power (McGuire and Catawba).

State and Local Agreement: The licensee included in its proposal, letters of concurrence from the State and local emergency management agencies in Alabama, Florida, Georgia, and South Carolina. SNC has made provisions in the proposed common EOF to accommodate State emergency management agencies and local representatives. Currently, the States send representatives to the EOF as needed. The local emergency management agencies do not normally send representatives to the EOF. The State of South Carolina expressed they would like the licensee to provide transportation of its representative to the common EOF as needed. The licensee has revised its letter of agreement with the State of South Carolina to transport the Emergency Management Division representative to the Common EOF upon request.

The States of Alabama and Georgia participated in the dual-site drill conducted by SNC. The Georgia Emergency Management Agency (GEMA) and the Department of Natural Resources (DNR) provided the NRC staff with oral comments that indicated they were pleased with the timeliness and accuracy, and the amount of information made available. In addition, the use of the electronic Web EOC interactive computer system, complemented with direct Southern LINC, enhanced communications between the State Emergency Operations Center (SEOC) and the proposed common EOF in Birmingham. The State of Alabama emergency management agency concluded that the establishment of a common EOF will continue to maintain the current effective communication interactions.

#### CONCLUSION:

The common EOF in Birmingham, AL meets the functional and physical requirements for an EOF, with the exception of being located near-site. The licensee has committed to augmenting its staff at the common EOF to achieve operational status at an alert or greater declaration. This represents a change from the previous augmentation goal of staffing the Corporate EOF at a site area emergency. The SNC proposal will maximize the use of Corporate senior management to fill key common EOF positions and increase the pool of available personnel to fill key onsite positions (these personnel would have reported to the near-site EOF in the current arrangement). The licensee will also conduct a dual-site drill once every 5 years to demonstrate proficiency and capability.

The States and local emergency management agencies have concurred that the proposal improves the effectiveness of communications, improves overall response, and continues to protect the public. The licensee has backup plans in place, if needed, to ensure timely and accurate notification. With the addition of "Web EOC" advanced computer technology, the licensee can share information more effectively.

The establishment of the SNC common EOF in Region II has no effect on the NRC's Incident Response effort. Region II is familiar with the response activities. If needed, the former near-site EOFs can accommodate the NRC site team if they want to relocate from the Common EOF to a location near the site. Therefore, the staff concludes that the establishment of a common EOF will effectively and efficiently support the SNC emergency response capability. This is

consistent with the defense in depth doctrine and provides reasonable assurance that protective measures can and will be implemented in the event of a radiological emergency at any of the SNC nuclear plants.

RECOMMENDATION:

The licensee has capitalized on corporate resources, the advances in technology, and will increase the number of on-site responders. The common EOF approach will continue to protect the public health and safety and promote the common defense and security. The common EOF establishes one central SNC voice for communication and coordination with Federal, State, and local emergency management agencies for any SNC emergency event. In addition, the common EOF could provide additional capabilities in response to a security event as the licensee can effectively mobilize and manage its resources and communicate effectively with the site, Federal, State, and local emergency management. The NRC staff has determined that emergency response, communication, and coordination is not adversely affected by the establishment of a common EOF for the SNC.

The NRC staff recommends that the Commission approve the proposal which establishes a common EOF for FNP, HNP, VEGP at the SNC Corporate Headquarters in Birmingham, AL.

RESOURCES:

The Commission's decision on the staffs' recommendation does not impact resources.

COORDINATION:

The Office of the General Counsel has reviewed this Commission paper and has no legal objection to its content. The paper was coordinated with the Office of the Chief Financial Officer for resource implications.

***/RA Ellis W. Merschoff Acting For/***

Luis A. Reyes  
Executive Director  
for Operations

Attachment: Southern Nuclear Operating Company Exemption  
Associated Environmental Assessment

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
SOUTHERN NUCLEAR OPERATING COMPANY, INC.  
EDWIN I. HATCH NUCLEAR PLANT, UNITS 1 AND 2  
JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2  
VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2  
DOCKET NO(S) 50-321, 50-366, 50-348, 50-364, 50-424, AND 50-425  
EXEMPTION

1.0 BACKGROUND

The Southern Nuclear Operating Company, Inc. (SNC or the licensee), is the holder of Facility Operating Licenses No. DPR-57, NPF-5, NPF-2, NPF-8, NPF-68, and NPF-81, which authorize operation of Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch), Joseph M. Farley Nuclear Plant, Units 1 and 2 (Farley), and Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle), respectively. The licenses provide, among other things, that these facilities are subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facilities consist of boiling water reactors located in Appling County in Georgia (Hatch), and pressurized water reactors in Houston County, Alabama (Farley), and Burke County, Georgia (Vogtle).

2.0 REQUEST/ACTION

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, requires in Appendix E, Section E, that adequate provisions shall be made and described for emergency facilities and

equipment, including a licensee onsite technical support center and a licensee near-site emergency operations facility (EOF) from which effective direction can be given and effective control can be exercised during an emergency. Additionally, 10 CFR 50.47(b)(3) states in part, “. . . arrangements to accommodate State and local staff at the licensee’s near-site EOF have been made . . .” The Commission issued NUREG-0696 “Functional Criteria for Emergency Response Facilities,” and Supplement 1 to NUREG-0737, “Clarification of TMI Action Plan Requirements,” to provide guidance regarding acceptable methods for meeting its EOF emergency preparedness requirements. In addition, NUREG-0654/FEMA-REP-1, “Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants,” Evaluation Criterion H.2, states: “Each licensee shall establish an Emergency Operations Facility from which evaluation and coordination of all licensee activities related to an emergency is carried out and from which the licensee shall provide information to Federal, State and local authorities responding to radiological emergencies in accordance with NUREG-0696, Revision 1.”

Both NUREG-0696, Table 2 and Supplement 1 to NUREG-0737, Table 1 specify that the EOF should be located between 10 and 20 miles from the site, but a primary EOF may be located closer than 10 miles if a backup EOF is located within 10 to 20 miles of the Technical Support Center. For cases where the licensee proposed an exception involving a greater deviation, and for all Corporate EOF (CEOF) proposals, the NRC staff is required to obtain Commission approval. In SNC’s proposal dated October 16, 2003, and as supplemented on April 15 and August 16, 2004, the licensee requested approval to consolidate the near-site EOFs and back-up EOFs for Hatch, Farley, and Vogtle into a single EOF located at SNC’s corporate location in Birmingham, Alabama.

Prior requests by other licensees to relocate EOFs to a location greater than 20 miles from associated reactor sites did not result in the NRC staff requiring an exemption to 10 CFR Part 50 Appendix E, and 10 CFR 50.47. However, the licensee’s proposal to locate the EOFs in



Birmingham, AL, is 1 ½ to 2 ½ times farther than any previous NRC-approved distance. At this distance, the SNC common EOF can not reasonably be considered to be “near-site.”

Therefore, the NRC staff determined that an exemption to the regulations that require an EOF to be near-site is required prior to implementation of the SNC CEOF. In order to ensure that NRC actions are timely, effective, and efficient, the staff is initiating this exemption request under 10 CFR 50.12.

### 3.0 DISCUSSION

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Under 10 CFR 50.12(a)(2)(ii), special circumstances are present when application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of the 10 CFR Part 50, Appendix E and 10 CFR 50.47(b)(3) is to provide reasonable assurance that adequate protective measures can and will be implemented in the event of a radiological emergency. Specifically, adequate protective measures are those that provide effective direction, control, determine protective actions for the public, and coordinate the emergency response effort with federal, State, and local agencies.

The staff relied upon the licensee’s submittals to evaluate whether the licensee’s proposal to consolidate the EOF’s for Hatch, Vogtle, and Farley meets the underlying purpose of 10 CFR Part 50, Appendix E and 10 CFR 50.47(b)(3). Advancements in communications, monitoring capabilities, computer technology, the familiarity of the NRC staff with the use of common EOFs, and the SNC’s emergency response strategies will continue to provide reasonable assurance that adequate protective measures can and will be implemented in the

event of a radiological emergency.

The common EOF in Birmingham, AL, meets the functional and availability characteristics for carrying out the functions of a “near-site” EOF. The remote location of the common EOF could aid in response to a security event as the licensee can effectively mobilize and manage its resources and communicate effectively with the site, Federal, State, and local emergency management.

The NRC staff observed a dual-site drill on July 14, 2004 involving FNP and HNP. The staff observed the licensee’s notification process, staffing, communication, technical support, dose assessment, protective action recommendation process, coordination with offsite officials, and overall command and control. The licensee demonstrated the capability to respond to a dual-site emergency event. EOF staffing was in accordance with the SNC’s procedures. The offsite agencies received timely and accurate information, and adequate protective measures were recommended to protect the public health and safety.

In summary, the license’s proposal to consolidate the near-site EOF’s for Hatch, Farley, and Vogtle to SNC’s corporate location in Birmingham, Alabama meets the underlying purpose of the rule, See 10 CFR 50.12(a)(2)(ii). As evinced in SNC’s submittals the new EOF location can perform all of the functions of a “near-site” location as contemplated by the regulations. Relocation of the EOFs to the proposed site will continue to provide reasonable assurance that adequate protective measures can and will be implemented in the event of a radiological emergency. Therefore, SNC has demonstrated that special circumstances exist such that an exemption is warranted.

#### 4.0 CONCLUSION

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, as specified herein, the Commission hereby grants Southern Nuclear Operating Company, Inc., an exemption from the requirements of 10 CFR 50, Appendix E, Section E.8. and 10 CFR 50.47(b)(3).

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (**XX FR XXXXX**).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this     day of             .

FOR THE NUCLEAR REGULATORY COMMISSION

Ledyard B. Marsh, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

April 6, 2005

Mr. Jeffrey T. Gasser  
Executive Vice President  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201

SUBJECT: EMERGENCY OPERATIONS FACILITY (EOF) RELOCATION AND  
CONSOLIDATION TO THE SOUTHERN NUCLEAR CORPORATE EOF  
(TAC NOS. MC1056, MC1057, MC1058, MC1059, MC1060, AND MC1061)

Dear Mr. Gasser:

By letter dated October 16, 2003, as supplemented April 15 and August 16, 2004, Southern Nuclear Operating Company, Inc. (SNC, the licensee), submitted a request to the Nuclear Regulatory Commission (NRC) for review and approval for the consolidation of the near-site EOF facilities for the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch), Joseph M. Farley Nuclear Plant, Units 1 and 2 (Farley), and Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle), into a Corporate EOF currently used by SNC, in Birmingham, Alabama. The Corporate EOF would become a common EOF for Farley, Hatch, and Vogtle.

The standards that emergency response plans for nuclear reactors must meet are delineated in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.47(b) and in Appendix E to 10 CFR Part 50. Per SECY-96-170, dated September 18, 1996, Commission approval is required for an EOF located more than 25 miles from the nuclear plant. The SNC plants range from a distance of 213 miles to 352 miles from the common EOF.

We have reviewed the licensee's request and note the following:

- Because this distance is significantly greater than previously approved by the Commission and could no longer be considered "near-site," the NRC is granting an exemption from 10 CFR 50.47(b) and Appendix E to 10 CFR Part 50. The exemption is included as Enclosure 1.
- The NRC staff observed a dual-site drill on July 14, 2004. The NRC staff observed the licensee's notification process, staffing, communication, technical support, dose assessment, protective action recommendation process, coordination with offsite officials, and overall command and control. The licensee demonstrated the capability to respond to a dual-site emergency event.
- The licensee included in its submittal package letters of concurrence from the State and local emergency management agencies in Alabama, Florida, Georgia, and South Carolina. SNC has made provisions in the proposed common EOF to accommodate State emergency management agencies and local representatives.

- SNC previously staffed its Corporate EOF within 60 minutes from the time of notification of a site area emergency. SNC has committed to augmenting its emergency response organization to achieve operational status (including command and control functions) within 60 minutes from the time of notification (the time of notification will not exceed 15 minutes) of an Alert or higher emergency declaration. In addition, the licensee has established an on-call list/duty roster. These personnel are required to remain fit for duty and be able to respond to the EOF in 60 minutes.
- The licensee will provide the same level of communications that exists at its current EOFs: commercial telephones, bridge lines, radios, an offsite premise extension (to bypass local telephone switching), SNC's own phone system (Southern LINC), a direct ringdown system (Emergency Notification Network), and the Federal Telecommunication System lines for NRC use.
- SNC has a goal of activating the EOF in support of all activities that include Technical Support Center activation. This would result in a common EOF activation for a drill/exercise at least three times a year. In addition, as stated in the emergency plan, the licensee has committed to conducting a drill once every 5 years involving more than one SNC site.
- SNC has identified two positions that will have site-specific responsibilities (EOF Manager and Technical Supervisor). If an emergency event occurs at more than one site, an EOF Manager and a Technical Supervisor for each site will respond to the EOF. The NRC staff concluded that the establishment of a common EOF will effectively and efficiently support the SNC emergency response capability. This is consistent with promoting the common defense and security and ensuring there is reasonable assurance that protective measures can and will be implemented in the event of a radiological emergency at any of the SNC nuclear plants.

Based on the above, on December 23, 2004, the NRC staff recommended in SECY-04-236, "SOUTHERN NUCLEAR OPERATING COMPANY'S PROPOSAL TO ESTABLISH A COMMON EMERGENCY OPERATING FACILITY AT ITS CORPORATE HEADQUARTERS," that the Commission approve consolidation of the EOFs for Farley, Hatch, and Vogtle into the Birmingham common EOF. In SECY-04-236, the NRC staff discussed the distances between the plant locations and the proposed common EOF. Because the distances are significantly greater than other EOF relocations previously approved, the NRC could no longer consider the common EOF to be "near-site," and recommended that an exemption from the requirements of 10 CFR 50.47(b) and 10 CFR Part 50, Appendix E be granted for the affected plants. In a February 23, 2005, Staff Requirements Memorandum (SRM), the Commission accepted the NRC staff's recommendation to approve the EOF relocation and concurred with using an exemption for the approval of the SNC common EOF. The Commission noted in the SRM the former EOFs should maintain functionality in order to accommodate the NRC site team, if needed. Specific functionality requirements for the former EOFs are contained with the enclosed exemption.

As a result of the NRC staff's review and the Commission's acceptance of its recommendation, we find that the licensee's request to consolidate the EOFs for Farley, Hatch and Vogtle into the

J. Gasser

-3-

Birmingham common EOF is acceptable. The NRC staff will also closely monitor the consolidation effort to ensure that communication and coordination among stakeholders are not adversely affected by the consolidation. A copy of the exemption is enclosed. The exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

*/RA/*

John A. Nakoski, Chief, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-321, 50-366, 50-348, 50-364,  
50-424, and 50-425

Enclosure: As stated

cc: See next page

J. Gasser

-3-

Birmingham common EOF is acceptable. The NRC staff will also closely monitor the consolidation effort to ensure that communication and coordination among stakeholders are not adversely affected by the consolidation. A copy of the exemption is enclosed. The exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

**/RA/**

John A. Nakoski, Chief, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-321, 50-366, 50-348, 50-364,  
50-424, and 50-425

Enclosure: As stated

cc: See next page

<b>DISTRIBUTION: PUBLIC</b>	PDII-1 R/F	
RidsNrrPMCGratton	RidsNrrDlpmLpdii-1 (JNakoski)	RidsNrrDlpmLpdii (EHackett)
RidsNrrDlpm (LMarsh)	RidsNrrLA	RidsAcrsAcnwMailCenter
CHawes (Hard Copy)	RidsRgn2MailCenter (MWidmann)	RidsOgcRp
DLPM DPR	EWeiss	LOlshan
SMonarque	SPeters	KCotton

Package No.: ML050530140  
Document No.: ML043350484

NRR-106  
Exemption No.: ML050530134

OFFICE	PDII-1/PM	PDII-2/LA	NSIR/EPD/SC	OGC	PDII-1 /SC	PDII
NAME	CGratton	CHawes	EWeiss	AFernandez	JNakoski	EHackett
DATE	03/21/05	03/22/05	3/17/05	3/18/05	03/24/05	04/05/05
OFFICE	DLPM/D					
NAME	LMarsh					
DATE	04/05/05					

**OFFICIAL RECORD COPY**

Edwin I. Hatch Nuclear Plant  
Vogtle Electric Generating Plant

cc:

Laurence Bergen  
Oglethorpe Power Corporation  
2100 E. Exchange Place  
P.O. Box 1349  
Tucker, GA 30085-1349

Mr. Jeffrey T. Gasser  
Executive Vice President  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201

Mr. Raymond D. Baker  
Manager - Licensing  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201

Mr. H. L. Summer, Jr.  
Vice President - Nuclear Hatch Project  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201-1295

Resident Inspector  
Hatch Project  
11030 Hatch Parkway North  
Baxley, GA 31513

Mr. Harold Reheis, Director  
Department of Natural Resources  
205 Butler St, SE, Suite 1252  
Atlanta, GA 30334

Chairman  
Appling County Commissioners  
County Commissioners  
Baxley, GA 31513

Office of the County Commissioners  
Burke County Commission  
Waynesboro, GA 30830

Mr. Arthur H. Dombay, Esq.  
Troutman Sanders  
Nations Bank Plaza  
600 Peachtree St, NE  
Suite 5200  
Atlanta, GA 30308

Resident Inspector  
Vogtle Plant  
8805 River Road  
Waynesboro, GA 30830

Mr. Steven M. Jackson  
Senior Engineer -Power Supply  
Municipal Electric Authority of Georgia  
1470 Riveredge Parkway, NW  
Atlanta, GA 30303-4684

Mr. G. R. Frederick, General Manager  
Edwin I. Hatch Nuclear Plant  
Southern Nuclear Operating Company, Inc.  
U.S. Highway 1 North  
P.O. Box 2010  
Baxley, GA 31515

Mr. Reece McAllister  
Executive Secretary  
Georgia Public Service Commission  
244 Washington St., SW  
Atlanta, GA 30334

Mr. D. E. Grissette, Vice President  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201

Mr. K. Rosanski, Resident Manager  
Oglethorpe Power Corporation  
Edwin I. Hatch Nuclear Plant  
P.O. Box 2010  
Baxley, GA 31515



Edwin I. Hatch Nuclear Plant  
Vogtle Electric Generating Plant

cc:

Mr. N.J. Stringfellow, Manager-Licensing  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201-1295

Mr. Skip Kitchens, General Manager  
Vogtle Electric General Plant  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1600  
Waynesboro, GA 30830

Attorney General  
Law Department  
132 Judicial Building  
Atlanta, GA 30334

Joseph M. Farley Nuclear Plant, Units 1 & 2

cc:

Mr. J. R. Johnson  
General Manager  
Southern Nuclear Operating Company, Inc.  
P.O. Box 470  
Ashford, AL 36312

Mr. B. D. McKinney, Licensing Manager  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201-1295

Mr. M. Stanford Blanton  
Balch and Bingham Law Firm  
P.O. Box 306  
1710 Sixth Avenue North  
Birmingham, AL 35201

Mr. J. Gasser  
Executive Vice President  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201

State Health Officer  
Alabama Department of Public Health  
434 Monroe St.  
Montgomery, AL 36130-1701

Chairman  
Houston County Commission  
P.O. Box 6406  
Dothan, AL 36302

Resident Inspector  
U.S. Nuclear Regulatory Commission  
7388 N. State Highway 95  
Columbia, AL 36319

William D. Oldfield  
SAER Supervisor  
Southern Nuclear Operating Company, Inc.  
P.O. Box 470  
Ashford, AL 36312