

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DUKE POWER COMPANY  
(Oconee Nuclear Station,  
Units 1, 2, and 3)

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Docket Nos. 50-269  
50-270  
50-287

DIRECTOR'S DECISION UNDER 10 CFR 2.206

By telegram dated April 27, 1979, Bernice Holt on behalf of the Palmetto Alliance, Columbia, South Carolina, petitioned the Commission to issue an order to immediately shutdown the Duke Power Company's Oconee Nuclear Station, Units 1, 2, and 3, and institute a proceeding to show cause why the licenses for the three units should not be revoked. The Alliance did not provide reasons why the licenses should be revoked or why the facilities should be immediately shutdown. For the following reasons, the Alliance's petition is denied.

In addition to specifying the action requested, a petitioner under 10 CFR 2.206 is required to "set forth the facts that constitute the basis for the request". 10 CFR 2.206(a) The Alliance's petition stated no facts to support its request that the Oconee facilities be shutdown and their licenses revoked. Facts are necessary to establish a basis for taking proposed action, not only in a petition under 10 CFR 2.206, but also to justify proposed action of the Director of Nuclear Reactor Regulation in his own discretion. See 10 CFR 2.202. Because the Alliance's petition states no facts that establish a basis for the proposed action, the petition is denied.

Notwithstanding this denial of the Alliance's petition, the

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Commission is currently taking necessary action to assure public health and safety with respect to the Oconee Nuclear Station. See the enclosed Order of May 7, 1979, issued to Duke Power Company requiring either that certain action be taken at the Oconee units by certain dates or that the units be shutdown until such action is completed. I subsequently made the finding, in a letter of May 18, 1979, that Duke Power Company had satisfactorily completed the requirements of Section (1) of Paragraph IV of the Order. This portion of the Order authorized resumption or continuation of operation of the three Oconee reactors.

A copy of this determination will be placed in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document room for the Oconee Nuclear Station, at the Oconee County Library, 201 S. Spring Street, Walhalla, South Carolina 29691. A copy of this decision will also be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

Pursuant to 10 CFR 2.206(c) of the Commission's regulations, this decision will constitute the final action of the Commission twenty (20) days after the date of issuance, unless the Commission on its own motion institutes review of this decision within that time.

**Original Signed by**

**H. R. Denton**

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Enclosures:

1. Order of May 7, 1979
2. Ltr. dtd. May 18, 1979

Dated at Bethesda, Maryland,  
this 24 day of May 1979.