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8032548154 RELAY TDMT COLUMBIA SC 117 04-27 0349P EST
PMS SAMUEL CHILK, SECRETARY OF THE NUCLEAR REGULATORY COMMISSION,
RPT DLY BY MGM
1717 H ST NORTHWEST WUX
WASHINGTON DC 20006

THE PALMETTO ALLIANCE OF SOUTH CAROLINA HAS DULY AUTHORIZED BERNICE
HOLT A PALMETTO ALLIANCE MEMBER AND RESIDENT OF CLEMSON SOUTH
CAROLINA (206 STRAWBERRY LANE, AND WITHIN CLOSE PROXIMITY TO THE
OCONEE NUCLEAR STATION) TO SEND THIS TELEGRAM TO THE NUCLEAR
REGULATORY COMMISSION TO:

1. PETITION NRC, PURSUANT TO 10 CFR 2.206 TO IMMEDIATELY SHUT DOWN
UNITS 1 2 AND 3 OF DUKE POWER COMPANIES OCONEE SOUTH CAROLINA
STATION
2. PETITION NRC, PURSUANT TO 10 CFR 2.202 TO IMMEDIATELY REVOKE THE

LICENSES OF THE THREE OCONEE UNITS AND REQUIRE THE UTILITY TO SHOW
CAUSE WHY THEY SHOULD BE ALLOWED TO OPERATE
3. DEMAND AN IMMEDIATE NRC SHUTDOWN OF OCONEE UNDER NRC'S "INHERENT
AUTHORITY" TO TAKE SUCH ACTION

THE PALMETTO ALLIANCE 18 BLUFF RD COLUMBIA SC 29201
NNNN

WU TWX WSH

NRC BHDA

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No. 79-1257

Logging Date 5/1/79

NRC SECRETARIAT

- TO: Commissioner _____ Date _____
- Exec. Dir./Oper. Gen. Counsel
- Cong. Liaison Solicitor
- Public Affairs Secretary
- _____

Incoming: The Palmetto Alliance

From: 18 Bluff Road

Columbia, SC. 29201

To: Samuel Chilk, SECY Date 4/27/79

Subject: Requests shutdown of Oconee Plants

- Prepare reply for signature of:
- Chairman
- Commissioner _____
- EDO, GC, CL, SOL, PA, SECY
- Signature block omitted
- _____
- Return original of incoming with response

For direct reply*

Suspense: May 18

- For appropriate action
- For information
- For recommendation

Rec'd Off. EFO

Date 5/2/79

Time 2:00

Remarks: Cpys to: RF

To be treated pursuant to 2.206

For the Commission: Combs

*Send three (3) copies of reply to Secy Mail Facility

6118



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 9, 1979

MEMORANDUM FOR: Harold R. Denton, Director
Office of Nuclear Reactor Regulation

FROM: James P. Murray
Office of Executive Legal Director

SUBJECT: PETITION TO REVOKE LICENSES ISSUED FOR
OCONEE NUCLEAR POWER STATION

The Commission has referred to the Staff a telegram from the Palmetto Alliance which requests under 10 CFR 2.206 that the Commission immediately shutdown the Oconee Nuclear Power Station's Units 1, 2, and 3, and institute a proceeding to show cause why the licenses for the three units should not be revoked.

Because the petition states no facts to provide a basis for the proposed action, you may deny the petition within your discretion without further action on the part of the Staff. Accordingly, I enclose for your consideration a draft decision denying the Alliance's telegram-petition. The draft decision contains a cover letter, decision, and headnotes. The headnotes should be attached only to the copies of the decision sent for publication to the Office of Administration.

A handwritten signature in black ink, appearing to read "James P. Murray".

James P. Murray
Director and Chief Counsel
Rulemaking and Enforcement Division

Enclosure:
Draft Decision
w/attachments

D R A F T

Ms. Bernice Holt
The Palmetto Alliance
18 Bluff Road
Columbia, South Carolina 29201

Dear Ms. Holt:

The Commission referred your telegram dated April 27, 1979, on behalf of the Palmetto Alliance to the Director of Nuclear Reactor Regulation for consideration pursuant to 10 CFR 2.206 of the Commission's regulations. Your telegram requested that the Commission order an immediate shutdown of the Duke Power Company's Oconee Nuclear Station, Units 1, 2, and 3, and institution of a proceeding to show cause why the licenses for the three units should not be revoked. For the reasons stated in the enclosed decision, your request is denied.

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 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.

Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Director's Denial

(FINAL MUST BE BLUEBAGGED TO OGC & SECRETARY)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

}
}
}
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

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.

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.

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Order of May 7, 1979.

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

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PMS SAMUEL CHILK, SECRETARY OF THE NUCLEAR REGULATORY COMMISSION,
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1717 H ST NORTHWEST WUX
WASHINGTON DC 20006

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THE PALMETTO ALLIANCE 18 BLUFF RD COLUMBIA SC 29201
NNNN

WU TWX WSH

NRC BHDA

130 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-5301

COMMITTEES:
BUDGET
BANKING, FINANCE AND
URBAN AFFAIRS

Congress of the United States
House of Representatives
Washington, D.C. 20515

DUCKET NUMBER
PROD. & UTIL. FAC. 50-269,270,287
March 6, 1979

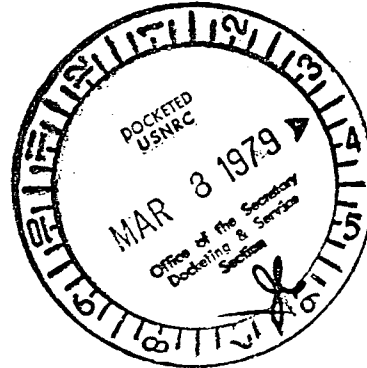
JOHN D. GREGORY
ADMINISTRATIVE ASSISTANT

DISTRICT OFFICES:
154 LAURENS STREET NORTH WEST
ANDERSON, SOUTH CAROLINA 29801
(803) 649-7155

POST OFFICE BOX 4126
ANDERSON, SOUTH CAROLINA 29622
(803) 224-7401

124 FEDERAL BUILDING
GREENWOOD, SOUTH CAROLINA 29646
(803) 223-8251

Mr. Joseph M. Hendrie
Chairman
Nuclear Regulatory Commission
1717 H Street, NW
Washington, D.C. 20555



Dear Mr. Hendrie:

This is in regard to the Oconee I, II, and III nuclear facilities in Oconee County, South Carolina.

It is my understanding that the NRC presently has pending before it an appeal case which is calling for a shut-down of the Oconee facilities because of safety factors, specifically, in the possible event of a fire. While I have no position on this pending case, either in favor of shutting down the reactor or keeping it operational, I would be grateful to learn of the decision reached by the NRC in this matter, and when such a decision may be expected. The recent controversy surrounding the Rasmussen/Lewis reports has greatly increased the interest in this facility and a prompt decision by your commission would be quite helpful.

With kindest regards, I am

Respectfully,

Butler Derrick
Member of Congress

D/jm

Distribution

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(H6-1630-H6)

EDO Central Files
IE Reading File
EDO Reading File

50-269

MAR 9 1978

G. Ertter (EDO -3283)
SECY (3)(78-0245)
OCA (3)
IF Files (3)
The Honorable Strom Thurmond
United States Senate
Washington, D.C. 20510

Dear Senator Thurmond:

This letter relates to your referral to the Department of Energy of an inquiry from your constituents, Everett and Grace Laitala. The Department of Energy forwarded your referral to the Nuclear Regulatory Commission.

I am pleased to provide you with information relating to the mission of the Nuclear Regulatory Commission, accidents at nuclear power plants, and the Oconee Nuclear Station. Information relating to each of these matters is enclosed. Your constituents appear to be concerned about the environmental impact of nuclear power reactors, particularly the Oconee Nuclear Station located near Clemson, South Carolina. Therefore, the enclosed information is directed toward these subjects.

I trust the enclosed information is responsive to your request. Please let me know if I can be of further assistance.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
Assistant Executive Director
for Operations

Enclosures: (See next page)

OCA

SEE PREVIOUS YELLOW FOR CONCURRENCES

3/ /78

OFFICE	XOOS	ELD	XOOS	DD:IE	D:IE	EDO
SURNAME	RCPaulus		ELJordan	JGDavis	EVolgenau	
DATE	3/ /78	3/ /78	3/ /78	3/ /78	3/ /78	3/ /78

Enclosures:

1. Mission of the Nuclear
Regulatory Commission w/encl,
"1976 NRC Annual Report"
2. Nuclear Accidents w/encls,
 - (a) Appendix 5 to Regulatory
Guides 4.2 and
 - (b) Evaluation of environmental
impact for postulated acci-
dents FES - Oconee
3. Oconee Nuclear Station w/encl
 - Ltr dtd 3/24/77 to Sen. Thurmond
 - Ltr dtd 3/29/77 to Duke Power Co.
 - Ltr dtd 3/31/77 to Duke Power Co.
with IE Investigation Report
 - Ltr dtd 4/20/77 to NRC from Duke
Power Co. with attachments A
through F
 - Ltr dtd 6/13/77 to Duke Power Co.

Mission of the Nuclear Regulatory Commission

The NRC is charged by law with four areas of responsibility with respect to civilian nuclear activities:

- . Protection of the public health and safety
- . Protection of environmental quality
- . Safeguarding nuclear material and facilities
- . Assuring conformity with antitrust laws.

To accomplish its mission, NRC maintains a broad program of standards-setting and rulemaking, technical reviews and studies, licensing actions, inspection and enforcement, evaluation of operating experience, and regulatory research. A description of NRC programs is contained in the U. S. Nuclear Regulatory Commission Annual Report for 1976, a copy of which is enclosed.

Chapter 4 of the 1976 Annual Report addresses the preservation of environmental quality and describes NRC programs and requirements placed on licensees in this area. This section of the report also discusses the interface between NRC and EPA.

Enclosure 1

Nuclear Accidents

In its evaluation of the environmental impact of major nuclear facilities pursuant to the provisions of the National Environmental Policy Act of 1969, the NRC analyzes postulated accidents from operation of the facilities. In the consideration of the environmental risks associated with the postulated accidents at nuclear power reactors, the probabilities of the accidents occurrence and their consequences must both be taken into account. Since it is not practicable to consider all possible accidents, the spectrum of accidents is divided into classes ranging from trivial to very serious. For nuclear power reactors, the classes of accidents are as follows:

1. Trivial accidents
2. Small releases of radioactive materials outside containment
3. Radioactive waste system failures
4. Radioactive fission products to the primary coolant of a boiling water reactor
5. Radioactive fission products to the primary and secondary systems of a pressurized water reactor
6. Accidents occurring during refueling operations
7. Accidents occurring during handling of spent reactor fuel
8. Loss of coolant accidents, steamline breaks and accidents with similar consequences
9. Accidents involving sequences of postulated successive failures more severe than Class 8

The postulated accidents are discussed in more detail in Appendix 5 to Regulatory Guide 4.3, "Preparation of Environmental Reports for Nuclear Power Stations". A copy of Appendix 5 is enclosed.

The Final Environmental Statement Related to the Operation of the Oconee Nuclear Station Units 1, 2 and 3 was issued by the Atomic Energy Commission (predecessor to NRC) in March 1972. This report contained an evaluation of the environmental impact from postulated accidents involving the Oconee plant. A copy of this portion of the Final Environmental Statement is enclosed.

Oconee Nuclear Station

The Oconee Unit No. 1 reactor experienced a leak of radioactively contaminated water in January 1977, resulting in a release to the Keowee River. The NRC concluded that this release was insignificant from the public health perspective. Nevertheless, there was substantial public concern about the release and its possible effects, particularly from members of the public residing in the area of Clemson, South Carolina. This public concern was due to the fact that the potable water supply for the town of Clemson is drawn from the Keowee River downstream from the Oconee site. Because of the public concern, news releases were made by NRC and Duke Power Company. In addition, Duke Power Company officials met with about 200 citizens to discuss the radioactive release. Representatives of NRC, Environmental Protection Agency and the State of South Carolina attended the meeting.

On March 22, 1977, the NRC responded to an inquiry from Senator Thurmond regarding the release of radioactive water from the Oconee Nuclear Station. Copies of that correspondence and follow-up documents provided to Senator Thurmond are enclosed.

United States Senate

WASHINGTON, D.C. 20510
January 3, 1978

RE: Enclosed Correspondence

TO: Dr. John M. Deutch, Director Designate
DEPARTMENT OF ENERGY
217 Old Executive Office Building
17th and Pennsylvania Avenue, NW
Washington, D. C. 20500
Sir:

The attached is respectfully referred to you for such consideration as it may warrant and for a report thereon in duplicate, if possible.

Your assistance in enabling me provide a prompt response to my constituent is greatly appreciated. PLEASE RETURN

THIS CORRESPONDENCE WITH YOUR REPLY.

Very truly,

Strom Thurmond

Strom Thurmond
United States Senator

ST/ K

RECEIVED
OGR
JAN - 10 - 1978
P.P. 3:15



Department of Energy
Washington, D.C. 20545

FEB 9 1978

Honorable Strom Thurmond
United States Senate
Washington, D.C. 20510

Dear Senator Thurmond:

Reference is made to your recent referral regarding an inquiry from your constituents, Everett and Grace Laitala.

We have reviewed your referral and believe it relates to a program for which the following agency has responsibility:

Mr. Carlton Kammerer, Director
Office of Congressional Affairs
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

We are, by copy of this letter, referring your inquiry to that agency for appropriate action. Further inquiries of this nature should be sent to the above address.

If we can be of further assistance, please contact us.

Sincerely,

Frederick P. Hitz
Director of Congressional Affairs

Enclosure:
Incoming correspondence

cc: Nuclear Regulatory Commission