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

OFFICE OF THE
SECRETARIAT

SECRETARIAT RECORD COPY

June 20, 1984

50-269 OL
50-270 OL
50-287 OL

'84 JUL 23 P12:06

Mr. A. C. Thies
Executive Vice President,
Power Operations
Duke Power Company
Power Building, Box 33189
Charlotte, NC 28242

Dear Mr. Thies:

This is in response to your letter of May 15, 1984, in which you sought to appeal to the Commission the NRC staff's decision not to grant an exemption to the Emergency Operations Facility (EOF) location requirements for the Oconee Nuclear Station. The Commission has decided to approve the staff's decision and therefore is denying your request.

The Commission originally considered the NRC staff's recommendation that Duke Power's exemption request be denied in SECY-84-89. SECY-84-89 included the exemption request that Duke Power transmitted to the staff on June 3, 1983, supplemental information provided by Duke Power on October 25, 1983 and the NRC staff's analysis of those documents.

On May 14, 1984 the NRC staff informed the Commission in SECY-84-89A of the results of a March 21, 1984 meeting between the staff and Duke Power. At this meeting Duke Power presented to the staff the asserted advantages of locating the Oconee EOF at Duke Power's headquarters in Charlotte, North Carolina, 125 miles from the Oconee plant. SECY-84-89A contained the minutes of the March 21, 1984 meeting and photocopies of the slides presented by Duke Power at that meeting. After this meeting the NRC staff again recommended to the Commission that the exemption request be denied.

The Commission thus has been made fully aware of the reasons for the exemption request. After considering this information the Commission has decided to approve the staff's denial of the request for an exemption. Accordingly, the Commission is denying your request for a Commission meeting on this subject.

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The Commission appreciates your concern in implementing the most effective means available for protecting the public in the event of an emergency at Oconee. The NRC concludes, however, that such protection is not best accomplished by an EOF located 125 miles from the Oconee Nuclear Station.

Sincerely,

Samuel J. Chilk
Secretary of the Commission

Duke-Oc 269

DUKE POWER COMPANY

POWER BUILDING, BOX 33189, CHARLOTTE, N. C. 28242

A. C. THIES
EXECUTIVE VICE PRESIDENT
POWER OPERATIONS

May 15, 1984 '84 JUL 23 P12:06

(704) 373-4249

Mr. Samuel J. Chilk
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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

Dear Sir:

By letter dated June 3, 1983, Duke Power requested an exemption to the Emergency Operations Facility (EOF) location requirements for Oconee Nuclear Station. The requirement for a near-site EOF is contained in 10 CFR 50, Appendix E and Commission guidance was provided in NRC Generic Letter 82-33. Duke initially met with the NRC Staff on September 6, 1983 to review the specifics of this exemption request, and by letter dated October 25, 1983 provided additional information and specifically requested a meeting with NRC management should the exemption be denied.

In March, Duke Power Company was advised that the NRC Staff had recommended that the exemption request for EOF location be denied in SECY 84-89, Emergency Operations Facility for the Oconee Nuclear Station, Units 1, 2, and 3. Duke then requested another meeting with the NRC and on March 21, 1984 met with E. L. Jordan (NRC/IE) and other NRC staff to further discuss this exemption request. At the close of this meeting, the Staff again stated that they would recommend that the exemption request be denied. We have now been advised that the Staff recommendation has been sent to the Commission.

Duke considers that the Staff decision to recommend that the EOF location exemption be denied, if approved by the Commission, would prevent our use of the most effective means available to fulfill our responsibility of protecting the public in the unlikely event of an emergency at Oconee. Because of the significance of this issue, we now request a meeting with the Commission in order to present our request directly and to appeal the Staff decision.

Duke will be pleased to meet at any time convenient to the Commission. Please contact me or my Licensing staff so that arrangements can be made.

Very truly yours,

A. C. Thies

A. C. Thies

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Reply 6/20/84

5-15-84

cc: Mr. Nunzio J. Palladino, Chairman
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Victor Gilinsky, Commissioner
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Thomas M. Roberts, Commissioner
U. S. Nuclear Regulatory Commission
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Mr. James K. Asselstine, Commissioner
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