



POLICY ISSUE **(Notation Vote)**

September 22, 2022

SECY-22-0090

FOR: The Commissioners

FROM: Daniel H. Dorman
Executive Director for Operations

SUBJECT: DUKE ENERGY REQUEST TO RELOCATE THE EMERGENCY
OPERATIONS FACILITY

PURPOSE:

The purpose of this paper is to request Commission approval of the license amendment request submitted by the Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC (collectively referred to as Duke Energy) to relocate the common emergency operations facility (EOF) located at 526 South Church Street, Charlotte, NC, to a new location at 9700 David Taylor Drive, Charlotte, NC. The new location is approximately 9 miles from the current location. Prior Commission approval is required because the distance of the proposed new EOF location is greater than 25 miles from 5 of the 6 Duke Energy operating nuclear sites.

This paper does not address any new commitments or resource implications.

BACKGROUND:

An EOF provides a facility from which the licensee can manage the overall licensee emergency response during an event, including coordinating radiological and environmental assessments, determining protective actions, communicating, and coordinating with Federal, State, and local agencies. This facility complements other licensee emergency response facilities, such as the technical support center, which is located onsite at each respective site, and from which the licensee staff provides plant management, and technical support to plant operations personnel during emergency conditions.

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A list of existing EOFs (primary and backup) located more than 25 miles from their respective nuclear power reactor sites, is provided in enclosure 1, "Commission-Approved Emergency Operations Facilities Located More than 25 Miles from Respective Nuclear Power Reactor Site(s)."

DISCUSSION:

Request to Relocate the Duke Energy Common Emergency Operations Facility

If a licensee desires to locate an EOF more than 25 miles from a nuclear power reactor site, prior Commission approval is required under paragraph IV.E.8.b of appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities."

Duke Energy's proposed change is to relocate the Duke Energy common EOF approximately 9 miles from the current location at 526 South Church Street, Charlotte, NC, to a Duke Energy office building located at 9700 David Taylor Drive, Charlotte, NC. The new EOF will provide the same functions and capabilities as the current EOF. The current EOF serves the operating fleet of Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (BNP); Catawba Nuclear Station, Unit Nos. 1 and 2 (CNS); Shearon Harris Nuclear Power Plant, Unit No. 1 (HNP); McGuire Nuclear Station, Unit Nos. 1 and 2 (MNS); Oconee Nuclear Station, Unit Nos. 1, 2, and 3 (ONS); H. B. Robinson Steam Electric Plant, Unit No. 2 (RNP); and the future William States Lee, III Nuclear Station (WSL), as approved by the U.S. Nuclear Regulatory Commission (NRC).

If a licensee with a Commission-approved EOF located more than 25 miles from the site moves the EOF to another location, which is also more than 25 miles from the site, then the licensee needs Commission approval under Appendix E, section IV.E.8.b. Therefore, Commission approval is required for the relocation of the EOF to its proposed new location because the distance of both the existing and the proposed common EOF will be greater than 25 miles from BNP, HNP, ONS, and RNP.

Duke Energy states that if this request is approved, it recognizes that prior to commencing operation at WSL, an additional license amendment would need to be approved by the Commission to allow consolidation of the WSL site into the Duke Energy common EOF.

Request to Relocate the Catawba Nuclear Station Emergency Operations Facility (Duke Energy Common Emergency Operations Facility Greater than 25 Miles

The current consolidated EOF is located 18 miles from the CNS site. The new location for the proposed consolidated EOF will be 26 miles from the CNS site and therefore Commission approval is required under paragraph IV.E.8.b of appendix E to 10 CFR Part 50. The MNS Site which is near Charlotte, NC, is not impacted by this request as it will remain less than 25 miles from the proposed common EOF.

Staff Consideration

In its evaluation of Duke Energy's request to relocate the existing common EOF to a Duke Energy office building located at 9700 David Taylor Drive, Charlotte, NC, the NRC staff considered all relevant requirements, and guidance. A detailed discussion of the requirements

and guidance, as well as the staff's evaluation, is provided in enclosure 2, "Evaluation of Request to Relocate the Duke Energy Consolidated Emergency Operations Facility."

Requirements and Guidance

The regulations for evaluating a request to consolidate an EOF are contained in 10 CFR 50.47(b) and appendix E to 10 CFR Part 50. The requirements for an EOF include the following capabilities, as specified in Appendix E, Section E.8.c:

- (1) The capability for obtaining and displaying plant data and radiological information for each reactor at a nuclear power reactor site and for each nuclear power reactor site that the facility serves;
- (2) The capability to analyze plant technical information and provide technical briefings on event conditions and prognosis to licensee and offsite response organizations for each reactor at a nuclear power reactor site and for each nuclear power reactor site that the facility serves; and
- (3) The capability to support response to events occurring simultaneously at more than one nuclear power reactor site if the EOF serves more than one site.

In addition, when an EOF is located more than 25 miles from the reactor site, 10 C.F.R. Part 50, Appendix E, Section E.8.b. requires that provisions be made for locating NRC and offsite responders closer to the nuclear power reactor site so that they can interact face-to-face with emergency response personnel entering and leaving the nuclear power reactor site. These provisions at the near-site location must include the following:

- (1) Space for members of an NRC site team and Federal, State, and local responders;
- (2) Additional space for conducting briefings with emergency response personnel;
- (3) Communication with other licensee and offsite emergency response facilities;
- (4) Access to plant data and radiological information; and
- (5) Access to copying equipment and office supplies.

The NUREG-0696, "Functional Criteria for Emergency Response Facilities," issued in 1981 (Agencywide Documents Access and Management System Accession No. ML051390358), provides the criteria that the staff evaluates during its review, which ensures that the review considers the following aspects of the EOF:

- functions,
- location, structure, and habitability,
- staffing and training,
- size,
- radiological monitoring,
- communications,

- instrumentation, data system equipment, and power supplies,
- technical data and data system, and
- records availability and management.

Staff Evaluation

As discussed previously, a detailed discussion of the requirements and guidance, as well as the staff's evaluation, is provided in enclosure 2. The NRC staff's evaluation analyzed whether the licensee complied with the regulations and followed the applicable guidance to demonstrate the ability of the proposed facility to perform the key functions of the EOF upon an emergency declaration requiring EOF activation for at least two nuclear power reactor sites. Further, the staff considered the adequacy of the provisions made for locating NRC and offsite responders closer to the nuclear power reactor site so that they can interact face-to-face with emergency response personnel entering and leaving the nuclear power reactor site. In addition, the staff's evaluation considered concurrence by affected State and local entities in support of the proposed consolidation, as well as the Federal Emergency Management Agency's review of impacts of the proposed consolidation on existing State and local radiological emergency response plans. The staff's evaluation included a review of proposed emergency plan changes and supporting documents.

CONCLUSION:

Based on its evaluation, the staff concludes that the proposed relocation of the existing Duke Energy common EOF would fulfill necessary emergency response functions, meet applicable regulations in 10 CFR 50.47 and appendix E of 10 CFR Part 50, and the criteria set forth in applicable guidance. Given the technological capabilities of the new Duke Energy common EOF, its capacity to address multi-site events, and the staffing of emergency response organizations comprised of experienced and diverse personnel from the Duke Energy corporate offices, the relocation of the existing Duke Energy common EOF would not adversely impact the ability of the facility to continue to effectively support Duke Energy's emergency response at all the sites that the facility serves. Moreover, the staff concluded that the provisions made for locating NRC and offsite responders closer to the nuclear power reactor site so that they can interact face-to-face with emergency response personnel entering and leaving the reactor site are acceptable. As such, the NRC would have reasonable assurance that adequate protective measures can and will be implemented in the event of a radiological emergency at any of the sites that the Duke Energy common EOF serves.

RECOMMENDATIONS:

The staff recommends that the Commission approve the proposed relocation of the Duke Energy common EOF and the use of that Common EOF by the six reactor sites presently served by the existing Duke Energy common EOF: BNP, CNS, HNP, MNS, ONS, and RNP.

COORDINATION:

The Office of the General Counsel reviewed this package and has no legal objection.

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for Operations

Enclosures:

1. Commission-Approved Emergency Operations Facilities Located More than 25 Miles from Respective Nuclear Power Reactor Site(s)
2. Evaluation of Request to Relocate The Duke Energy Consolidated Emergency Operations Facility

SUBJECT: DUKE ENERGY REQUEST TO RELOCATE THE EMERGENCY OPERATIONS FACILITY DATED: September 22, 2022

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