

**POLICY ISSUE**  
**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Brooke P. Clark, Secretary  
**FROM:** Commissioner Wright  
**SUBJECT:** SECY-22-0090: Duke Energy Request to Relocate the  
Emergency Operations Facility

Approved  X  Disapproved       Abstain       Not Participating      

**COMMENTS:** Below       Attached  X  None      

**Entered in STAR**

Yes  X

No      

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**Signature**

## **Commissioner Wright's Comments on SECY-22-0090, "Duke Energy Request to Relocate the Emergency Operations Facility"**

I commend the NRC staff for a thorough review of this matter, including effective coordination with our partners at the Federal Emergency Management Agency. The information provided by the NRC staff thoroughly documents how the proposed Emergency Operations Facility (EOF) meets the requirements contained in 10 CFR Part 50, Appendix E.

Given the agency's experience with approvals of this type, I believe the Commission can safely delegate to the NRC staff future decisions about whether to approve EOF relocations. The current practice that Commission approval is necessary for relocation of an EOF beyond 25 miles appears to have originated in SECY-96-0170. This SECY outlines important factors for EOF location, noting that the contemporary 10–20 mile range was based primarily on the need for face-to-face communications between licensee personnel, state and local officials, and Federal representatives and for use as a staging area for briefing and debriefing individuals going to the site. The staff noted that most deviations from this guidance involved relocations within 25 miles of sites. To streamline the review process, the Commission authorized the staff to accept or reject proposed EOF relocations in the 20–25 mile range.

In SECY-08-0024, the Commission approved further delegations related to Emergency Planning amendments; however, neither the NRC staff nor the Commission proposed any additional delegations. Later, in SRM-SECY-11-0053, the Commission formally included the 25-mile requirement in Appendix E, after the staff initially considered eliminating the need for prior approval entirely. Other SECYs, such as SECY-06-0200, SECY-10-0078, SECY-11-0053, SECY-13-0079 discussed - but did not resolve - whether this approval should be delegated to the NRC staff.

As noted in Enclosure 1, the NRC has approved nearly a dozen EOFs that are located beyond the 25-mile range, serving over 50 currently operating power reactors. Also, as described in the Statements of Consideration for the 2011 Appendix E rulemaking, "[a]dvances in computer and communication technology after the original EOF siting criteria were established now allow EOF functions to be effectively performed independent of distance from the site."<sup>1</sup> 76 FR 72,560, 72,571–72. Combined with the requirements for EOFs located beyond 25 miles found in Appendix E, Section IV.E.8.b, the NRC staff has sufficient criteria to appropriately evaluate the adequacy of these facilities. The added work required to present this review to the Commission is not an efficient use of NRC resources.

Accordingly, I approve Duke Energy's request to relocate its consolidated EOF to the proposed new site in Charlotte, North Carolina.

Consistent with SRM-SECY-08-0024, I recommend that approval authority for future requests to relocate EOFs to a distance more than 25 miles from a nuclear power plant site be delegated to the Director of the Office of Nuclear Reactor Regulation, in consultation with the Office of Nuclear Security and Incident Response. This delegation should not apply to the request for Commission approval found in SECY-22-0106, which is currently pending before the Commission.

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<sup>1</sup> Enhancements to Emergency Preparedness Regulations, 76 Fed. Reg. 72,560, 72,571–72 (Nov. 23, 2011).