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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

June 22, 2010

CAL 2-10-003

Mr. David A. Baxter
Site Vice President
Duke Energy Carolinas, LLC
Oconee Nuclear Station
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: CONFIRMATORY ACTION LETTER - OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 COMMITMENTS TO ADDRESS EXTERNAL FLOODING CONCERNS (TAC NOS. ME3065, ME3066, AND ME3067)

Dear Mr. Baxter:

This letter confirms commitments made by Duke Energy Carolinas, LLC (the licensee) in your June 3, 2010, letter. Specifically, the June 3, 2010, letter listed compensatory measures the licensee will implement at the Oconee Site and Jocassee Dam to mitigate potential external flooding hazards resulting from a potential failure of the Jocassee Dam. The compensatory measures listed in the enclosure shall remain in place until final resolution of the inundation of the Oconee site from the failure of the Jocassee Dam has been determined by the licensee and agreed upon by the U.S. Nuclear Regulatory Commission (NRC), and all modifications are made to mitigate the inundation. The compensatory measures and implementation dates are set forth in the enclosure to this letter.

In addition to implementing the compensatory measures, pursuant to my telephone conversation with Mr. Bill Pitesa of your company on June 22, 2010, you shall submit to the NRC by August 2, 2010, all documentation necessary to demonstrate to the NRC that the inundation of the Oconee site resulting from the failure of the Jocassee Dam has been bounded. Also, you shall submit by November 30, 2010, a list of all modifications necessary to adequately mitigate the inundation, and shall make all necessary modifications by November 30, 2011.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and
- 3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

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DEC

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Issuance of this Confirmatory Action Letter does not preclude issuance of an Order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

This Confirmatory Action Letter will remain in effect until the NRC has concluded that all modifications necessary to adequately mitigate the inundation of the Oconee site from the failure of the Jocassee Dam has been completed.

Sincerely,

/RA/

Luis A. Reyes
Regional Administrator

Docket Nos. 50-269, 50-270, 50-287
License Nos.: DPR-38, DPR-47, DPR-55

Enclosure: Compensatory Measures

cc w/encl: (See next page)

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DEC

2

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This Confirmatory Action Letter will remain in effect until the NRC has concluded that all modifications necessary to adequately mitigate the inundation of the Oconee site from the failure of the Jocassee Dam has been completed.

Sincerely,

/RA/

Luis A. Reyes
Regional Administrator

Docket Nos. 50-269, 50-270, 50-287
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Enclosure: Compensatory Measures

cc w/encl: (See next page)

*FOR PREVIOUS CONCURRENCE SEE ATTACHED SHEET

PUBLICLY AVAILABLE NON-PUBLICLY AVAILABLE SENSITIVE NON-SENSITIVE
ADAMS: Yes ACCESSION NUMBER: _____ SUNSI REVIEW COMPLETE

OFFICE	NRR	RII:EICS	RII:DRP	RII:ORA	RII:DRP		
SIGNATURE	Via email	CFE /RA/	JTM /RA/	VMM /RA/	JHB /RA/		
NAME	*ELeeds	*CEvans	*JMunday	VMcCree	*JBartley		
DATE	6/21/2010	6/21/2010	6/21/2010	06/22/2010	06/21/2010		
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY DOCUMENT NAME: G:\DRPI\RPB1\OCONEE\ICAL ME3065A-REGION2 W-OUO.DOCX

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DEC

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cc w/encl:
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Letter to David A. Baxter from Luis A. Reyes dated June 22, 2010

SUBJECT: CONFIRMATORY ACTION LETTER - OCONEE NUCLEAR STATION,
UNITS 1, 2, AND 3 COMMITMENTS TO ADDRESS EXTERNAL FLOODING
CONCERNS (TAC NOS. ME3065, ME3066, AND ME3067)

Distribution w/encl:

RidsNrrPMOconee Resource

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OE Mail (email address if applicable)

RIDSNRRDIRS

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COMPENSATORY MEASURES

NUMBER	COMPENSATORY MEASURES	IMPLEMENTATION STATUS
1	Perform flooding studies using the Hydrologic Engineering Center -- River Complete Analysis System (HEC-RAS) model for comparison with previous DAMBRK models to more accurately represent anticipated flood heights in the west yard following a postulated failure of the Jocassee Dam.	Complete
2	Maintain plans, procedures (Jocassee and Oconee) and guidance documents implemented (Oconee) to address mitigation of postulated flood events which could render the Standby Shutdown Facility inoperable and are consistent with current perspectives gained following the HEC-RAS sensitivity studies and the subsequent 2D inundation studies. To the extent practical, the mitigation strategy is similar to existing extensive plant damage scenario (B.5.b) equipment, methods and criteria.	Implemented
3	Duke Energy Hydro Generation will create a guidance document to consolidate river management and storm management processes. (Includes the Jocassee Development and the Keowee Development.)	Implemented
4	Maintain a dam safety inspection program that includes: (1) weekly dam safety inspections of the Jocassee Dam by Duke Energy personnel, (2) dam safety inspections following any 2-inch or greater rainfall or felt seismic event, (3) annual dam safety inspections by Duke Energy, (4) annual dam safety inspections by FERC representatives, (5) five year safety inspections by FERC approved consultants, and (6) five year underwater inspections.	Implemented
5	Maintain a monitoring program that includes: (1) continuous remote monitoring from the Hydro Central Operating Center in Charlotte, NC, (2) monthly monitoring of observation wells, (3) weekly monitoring of seepage monitoring points, and (4) annual surveys of displacement monuments.	Implemented
6	Assign an Oconee engineer as Jocassee Dam contact to heighten awareness of Jocassee status.	Implemented
7	Install ammeters and voltmeters on Keowee spillway gates for equipment condition monitoring.	Complete
8	Ensure forebay and tailrace level alarms are provided for Jocassee to support timely detection of a developing dam failure.	Complete
9	Add a storage building adjacent to the Jocassee spillway to house the backup spillway gate operating equipment (e.g., compressor and air wrench).	Complete

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Enclosure

NUMBER	COMPENSATORY MEASURES	IMPLEMENTATION STATUS
10	Obtain and stage a portable generator and electric drive motor near the Jocassee spillway gates to serve as a second set of backup spillway gate operating equipment.	Complete
11	Conduct Jocassee Dam failure Table Top Exercise with Oconee participation to exercise and improve response procedures.	06/30/2010
12	Instrument and alarm selected seepage monitoring locations for timely detection of degrading conditions.	08/31/2010
13	Provide additional video monitoring of Jocassee Dam (e.g., dam toe, abutments, and groin areas) for timely assessment of degrading conditions.	08/31/2010
14	Obtain and stage a second set of equipment (including a B.5.b-type pump) for implementation of the external flood mitigation guidance.	11/30/2010
15	Conduct Jocassee Dam/Oconee Emergency Response Organization Drill to exercise and improve response procedures.	12/31/2010

NOTES:

1. The word “complete” is used in the status column if the commitment regards a specific one-time equipment-related or analysis-related action that has been completed.
2. The word “implemented” is used in the status column if the commitment describes an on-going action that has been implemented.