

NRC FORM 699 (9-2003)	U.S. NUCLEAR REGULATORY COMMISSION	DATE 07/28/2011
CONVERSATION RECORD		TIME 11:00am

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU T.J. Lovullo, Steve Hocking, Joy Kurtz	TELEPHONE NO.	TYPE OF CONVERSATION <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input checked="" type="checkbox"/> TELEPHONE <input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING
ORGANIZATION Federal Energy Regulatory Commission (FERC)		
SUBJECT Interpretation of the FERC Ninety-Nine Islands Hydroelectric Station license seasonal flow requirements		

SUMMARY (Continue on Page 2)

On July 28, 2011, the U.S. Nuclear Regulatory Commission (NRC) and its contractor, Pacific Northwest National Laboratory (PNNL), had a conference call with representatives of the Federal Energy Regulatory Commission (FERC) regarding clarification of the 1996 FERC license for the Ninety-Nine Islands Hydroelectric Station. Participants on the call included Sarah Lopas, environmental project manager for the Lee Nuclear Station combined license application environmental review; Michael Masnik, Water and Ecology Team Leader for the Lee environmental review; Kevin Roach, NRC General Counsel; Lance Vail, PNNL hydrologist for the Lee environmental review; and FERC representatives T.J. Lovullo, Steve Hocking, and Joy Kurtz (Division of Hydropower Administration and Compliance, Aquatic Resources Branch).


The purpose of the call was to get clarification from FERC regarding the seasonal flow requirements described in the FERC license for the Ninety-Nine Islands Hydroelectric Station. A copy of the FERC license (issued June 17, 1996) and other supporting information is located in ADAMS at Accession No. ML11158A171. NRC and PNNL were seeking clarification because seasonal Broad River flow requirements described in the license could impact how Duke Energy Carolinas, LLC (Duke) would withdrawal water from the Ninety-Nine Islands Reservoir, the source of cooling water for the Lee Nuclear Station. Duke has proposed to build an offsite reservoir (Make-Up Pond C) as a source of supplemental cooling water during periods of low flow in the Broad River. Duke proposed to use the lowest flow requirement in the FERC license, 483 cubic feet per second (cfs), as a trigger for withdrawing water from Make-Up Pond C. Two other seasonal flow requirements are discussed in the FERC license, 725 cfs and 966 cfs. As part of their analysis of water use at Lee Nuclear Station, NRC and PNNL sought to understand if these other flow requirements described in the license would apply.

Representatives of FERC responded that at the time, they could not clarify the low flow requirements nor could they make a determination whether Duke would have to comply with them. FERC stated they would need more time to review the Ninety-Nine Islands Hydroelectric Station license, and furthermore, Duke could apply for an amendment to the license. According to Duke, they do not anticipate applying for the necessary FERC permits for the Lee Nuclear Station until 2013. NRC and PNNL determined that for the purpose of the NRC's environmental review, staff would discuss both scenarios - water withdrawals from Ninety-Nine Islands Reservoir (Broad River) for Lee Nuclear Station only considering the lowest flow requirement (483 cfs); and withdrawals considering all flow requirements (725 and 966 cfs). <<END OF RECORD>>

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ACTION REQUIRED

No action required. NRC will evaluate water use at Lee Nuclear Station under both flow requirement scenarios.

NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE
Sarah L. Lopas		07/28/2011

ACTION TAKEN

No action taken.

TITLE OF PERSON TAKING ACTION	SIGNATURE OF PERSON TAKING ACTION	DATE