

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
Nicholas G. Trikouros
Dr. Gary S. Arnold

In the Matter of

DUKE ENERGY CAROLINAS, LLC

(Oconee Nuclear Station, Units 1, 2, and 3)

Docket Nos. 50–269-SLR, 50–270-SLR,
and 50–287-SLR

ASLBP No. 22-973-01-SLR-BD01

November 22, 2021

MEMORANDUM AND ORDER

(Request to Provide Post-Initial Prehearing Conference Information)

During the November 16, 2021 initial prehearing conference the Licensing Board inquired about, but was not able to obtain a participant response providing the documentary or other supporting basis for, the following statement in a January 2011 Nuclear Regulatory Commission (NRC) Staff assessment regarding external flooding concerns at the Oconee facility:¹ “The random sunny-day failure scenario was selected after evaluation of the failure modes determined that the potential failure of the Jocassee Dam from either an overtopping event or seismic event was not credible.”² The Board subsequently indicated that it would provide the participants with a further indication about whether it wanted an answer regarding

¹ Tr. at 99–102, 103–07.

² Letter from Eric J. Leeds, Director, NRC Office of Nuclear Reactor Regulation, to Preston Gillespie, Site Vice President, Oconee Nuclear Station at 1 (Jan. 28, 2011) (ADAMS Accession No. ML110280153).

this and several other Board inquiries that elicited participant responses offering additional information following the conference.³

The Board has determined it would like post-conference responses to this inquiry regarding the supporting basis for this NRC Staff statement that evaluation of failure modes had found Jocassee Dam failure from overtopping or seismic events “not credible.” Accordingly, we establish the following schedule for participant submissions of no more than five pages on this subject.

Tuesday, November 30, 2021:	Submissions from applicant Duke Energy Carolinas, LLC (Duke) and the NRC Staff
Tuesday, December 7, 2021:	Response to Duke and NRC Staff submissions from petitioners Beyond Nuclear, Inc., and Sierra Club, Inc. (collectively Petitioners) ⁴

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 22, 2021

³ Tr. at 132.

⁴ As these submissions relate to the initial prehearing conference, absent some other Board issuance, for the purpose of calculating the 45-day period for issuance of the Board’s decision on Petitioners’ intervention request and the admissibility of their contentions, that period will begin with the filing of Petitioners’ response to the Duke and NRC Staff submissions in response to this Board request for information. See 10 C.F.R. § 2.309(j).

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DUKE ENERGY)
)
(Oconee Nuclear Station)
Units 1, 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of the **MEMORANDUM AND ORDER (Request to Provide Post-Initial Prehearing Conference Information)** have been served upon the following persons by Electronic Information Exchange.

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Oconee Power Station (Units 1, 2 and 3)

Docket Nos. 50-269, 50-270 and 50-287-SLR

MEMORANDUM AND ORDER (Request to Provide Post-Initial Prehearing Conference Information)

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Dated at Rockville, Maryland,
This 22nd day of November 2021.