

From: Diane Curran <dcurran@harmoncurran.com>
Sent: Tuesday, December 20, 2022 2:27 PM
To: OconeeEnvironmental Resource; Lance Rakovan
Subject: [External_Sender] Request for Extension of Scoping comment period for Oconee EIS
Attachments: 2022.12.20 Request for Extension re Oconee Scoping Process.pdf

To the Office of Administration and Mr. Rakovan,
Please see the attached extension request.
Thanks,
Diane Curran

Federal Register Notice: 87FR77643
Comment Number: 1

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Recipients:

"OconeeEnvironmental Resource" <OconeeEnvironmental.Resource@nrc.gov>
Tracking Status: None
"Lance Rakovan" <Lance.Rakovan@nrc.gov>
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Via Electronic Mail

Program Management, Announcements and Editing Staff
Office of Administration
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Subject: Request for 30-Day Extension of Comment Period on the Scope of the Environmental Impact Statement for Subsequent License Renewal of Oconee Reactors, Docket Nos. 50-269, 50-270, and 50-287, Docket ID NRC-2021-0146

Dear Office of Administration and Mr. Rakovan:

Beyond Nuclear, Inc. (“Beyond Nuclear”) and the Sierra Club, Inc. (“Sierra Club”) (collectively “Organizations”) respectfully request that the Nuclear Regulatory Commission (“NRC”) extend the deadline for public comment on the *Notice of Intent to Conduct Scoping Process and Prepare Environmental Impact Statement; Duke Energy Carolinas, LLC; Oconee Nuclear Station, Units 1, 2, and 3*, 87 Fed. Reg. 77,643 (Dec. 19, 2022).

For the following reasons, the Organizations seek a 30-day extension of the comment period or until February 17, 2023:

1. The Organizations have a legally recognized interest in the subsequent license renewal proceeding for the Oconee reactors. The Organizations, who have members residing near the Oconee reactors, raised environmental contentions in the 2021 subsequent license renewal proceeding and the Atomic Safety and Licensing Board (“ASLB”) found they had standing. *Duke Energy Carolinas, LLC* (Oconee Nuclear Station, Units 1, 2, and 3), LBP-22-01, _ N.R.C. _ (Feb. 11, 2022) (“LBP-22-01”).
2. While the ASLB denied admission of the Organizations’ contentions, the Commission partially granted their appeal in *Duke Energy Carolinas, LLC* (Oconee Nuclear Station, Units 1, 2, and 3), *et al.*, CLI-22-03, _ N.R.C. _ (Feb. 24, 2022) (“CLI-22-03”). Duke’s revision of its Environmental Report and this proceeding for preparation of an environmental impact statement (“EIS”) resulted directly from CLI-22-03. Thus, the Organizations have a demonstrated strong interest in fulfilling the legal rights they won, by having an adequate opportunity to participate in the scoping process for the EIS.

3. Permitting and encouraging public participation in environmental decision-making is a key purpose of the National Environmental Policy Act. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989). The Organizations have a strong interest in both participating in the commenting process themselves, *and* in educating other organizations, government officials, and the general public about the EIS and the environmental issues raised by re-licensing the Oconee reactors a second time. Therefore, they should be permitted a reasonable opportunity to make scoping comments and to encourage scoping comments by others.
4. The thirty days' comment period provided by the NRC falls over the winter holidays. As is customary throughout the United States, the Organizations' members, staffs, expert, and counsel will be taking time off during the holidays. While the individuals responsible for preparation of the scoping comments must be able to work together simultaneously to have a meaningful opportunity to prepare the comments, their vacation times are different, ranging over a three-week period from December 21 to January 6. As a practical matter, they will need to begin their work after January 6.
5. If the Organizations had timely learned that Duke Energy Carolinas ("Duke") had prepared a revised Environmental Report on November 7, 2022 – the date when Duke submitted it to the NRC -- they would have begun to review the revised Environmental Report in preparation for the scoping process. They also would have notified other organizations, individuals, and state and local government officials that Duke had submitted the revised Environmental Report; and that this submittal would trigger a site-specific NEPA review process by the NRC.

Inexplicably, however, the NRC waited until December 19, 2022 -- the date of publication of the Federal Register notice regarding the opportunity to submit scoping comments -- before posting the revised Environmental Report on ADAMS. And the posting of the revised Environmental Report was the first notice given by Duke of its intention to undergo a site-specific environmental review rather than to await publication of a generic EIS. As a result, *the Organizations lost six weeks* when they could have been reviewing the Environmental Report and communicating with other organizations, individuals, and government officials about that document and the environmental review process that would follow. Now, with the holidays approaching, that work must wait until the new year.

For these reasons, Beyond Nuclear and the Sierra Club respectfully submit that an extension of 30 days is reasonable and fair.

Sincerely,



Diane Curran
Counsel to Beyond Nuclear and the Sierra Club