



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 15, 2023

Mary Louise Worthy, Chief
Piedmont American Indian Association
Lower Eastern Cherokee Nation of South Carolina
3688 Warrior Creek Church Rd
Gray Court, SC 29645

SUBJECT: REQUEST FOR SCOPING COMMENTS CONCERNING THE ENVIRONMENTAL REVIEW OF OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3, SUBSEQUENT LICENSE RENEWAL APPLICATION SITE-SPECIFIC SUPPLEMENT (DOCKET NUMBERS: 50-269, 50-270 and 50-287)

Dear Chief Worthy:

The U.S. Nuclear Regulatory Commission (NRC) is supplementing its ongoing review of the environmental effects of renewing the operating licenses for Oconee Nuclear Station, Units 1, 2, and 3 (Oconee). Oconee is operated by Duke Energy Carolinas, LLC (Duke Energy) and is located primarily in Oconee County, South Carolina, with a portion of the site extending into neighboring Pickens County, South Carolina (see Enclosure 1). The purpose of this letter is to inform you of recent NRC policy developments affecting development the Oconee site-specific Environmental Impact Statement (EIS), to solicit any comments or concerns you may have with respect to these recent developments, and to identify the NRC's revised schedule and when you might expect to see the draft EIS.

Duke Energy submitted an application for the subsequent renewal of Oconee operating licenses in a letter dated June 7, 2021, pursuant to title 10 of the *Code of Federal Regulations* (10 CFR) part 54. As it began its review, the NRC staff was (1) relying upon the NRC's "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," NUREG-1437 (June 2013) (the Generic Environmental Impact Statement [GEIS]) and 10 CFR part 51, subpart A, appendix B, table B-1, to evaluate the environmental impacts of generic ("Category 1") issues, and (2) evaluating the environmental impacts of site-specific ("Category 2") issues. On August 23, 2021, the NRC invited your Tribe to consult on this undertaking. No specific comments or questions were received from your Tribe.

On February 24, 2022, in its Memorandum and Order [CLI-22-02](#), the Commission reversed its previous decision in [CLI-20-03](#) (dated April 23, 2020). Specifically, in CLI-22-02, the Commission determined that, when considering the environmental impacts of subsequent license renewal, the NRC staff may not rely on the 2013 GEIS and 10 CFR part 51, subpart A, appendix B, table B-1, to evaluate the environmental impacts of generic "Category 1" issues. Specifically, the Commission held that 10 CFR 51.53(c)(3) only applies to an initial license renewal applicant's preparation of an environmental report (ER) and that the 2013 GEIS did not address subsequent license renewal.

As a result, the Commission acknowledged in CLI-22-03, that the NRC staff's environmental review of the subsequent license renewal application for Oconee would be incomplete and

directed the staff to update the 2013 GEIS to address the generic environmental impacts of the subsequent license renewal period.

Also in [CLI-22-03](#) (dated February 24, 2022), the Commission acknowledged that applicants may not wish to wait for the completion of the GEIS update and associated rulemaking and, in such case, applicants may submit a supplemental ER to the NRC providing information on environmental impacts during the subsequent license period that were previously treated as generic issues in reliance on the 2013 GEIS. In response to CLI-22-03, Duke Energy submitted Oconee Nuclear Station Subsequent License Renewal Application, appendix E, Environmental Report Supplement 2 on November 7, 2022 (ML22311A036).

Consistent with the Commission's direction in CLI-22-03, the NRC staff intends to prepare a draft Oconee site-specific EIS for public comment. Due to the expansion of the scope of the environmental review, the NRC will conduct an additional limited scoping process to gather information necessary to prepare a site-specific EIS to evaluate the environmental impacts of subsequent license renewal for Oconee. The subsequent renewed operating licenses would authorize the applicant to operate Oconee for an additional 20 years beyond the period specified in each of the current licenses. The NRC is seeking public comment on the proper scope of the environmental review. The NRC will review all applicable Category 1 (generic) issues listed in 10 CFR part 51, subpart A, appendix B, table B-1 for the purpose of making site-specific findings (e.g., SMALL, MODERATE, LARGE) on those issues. The NRC staff also intends to review Category 2 (site-specific) issues listed in 10 CFR part 51, subpart A, appendix B, table B-1 (including historic and cultural resources) for any significant new information that may have arisen following Duke Energy's June 7, 2021, submittal. Environmental scoping comments should address matters that fit within these two categories; comments that do not fit into these two categories will not be considered.

In accordance with 36 CFR 800.8(c), the NRC intends to comply with section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), through the National Environmental Policy Act of 1969, as amended, process. In the context of NHPA, the NRC has determined that the area of potential effects (APE) for this subsequent license renewal is the area at the power plant site and its immediate environs that may be impacted by ongoing routine maintenance and operational activities during the subsequent license renewal term (see Enclosure 2). The APE may extend beyond the immediate Oconee environs if Duke Energy maintenance and operational activities affect offsite historic properties. This determination is made irrespective of ownership or control of the lands of interest.

In accordance with NRC's Tribal Policy Statement, the NRC wishes to ensure that State-recognized Tribes are afforded the opportunity to participate in NRC's licensing process. The NRC invites you to provide input to the scoping process relating to the NRC's environmental review of the subsequent license renewal application. Please provide any comments that you may have on the scope of the supplemental environmental review within 30 days of the date of this letter. Written comments should be submitted by mail to: Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

Electronic comments may be submitted to the NRC by accessing <https://www.regulations.gov/> and searching for Docket ID NRC-2021-0146; directly to OconeeEnvironmental@nrc.gov; or through the NRC staff email contact listed below. You can find documents related to this action as well as updates at:

<https://www.nrc.gov/reactors/operating/licensing/renewal/applications/oconee-subsequent.html>.

The NRC currently expects to publish a draft Oconee site-specific EIS for public comment in October 2023. The NRC will forward the draft site-specific EIS to you for your review and comment. This draft site-specific EIS will include identification of historic properties, assessment of impacts, and a preliminary determination.

If you have any questions concerning the NRC's license renewal review, please contact Robert Hoffman, at 301-415-1107 or via email at Robert.Hoffman@nrc.gov.

Sincerely,



Signed by Smith, Theodore
on 03/15/23

Theodore Smith, Chief
Environmental Review License Renewal Branch,
Division of Rulemaking, Environment,
and Financial Support,
Office of Nuclear Material Safety
and Safeguards.

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

Enclosures:

1. Oconee Area Map
2. Oconee Site Boundary

cc: Listserv

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DATED: March 15, 2023

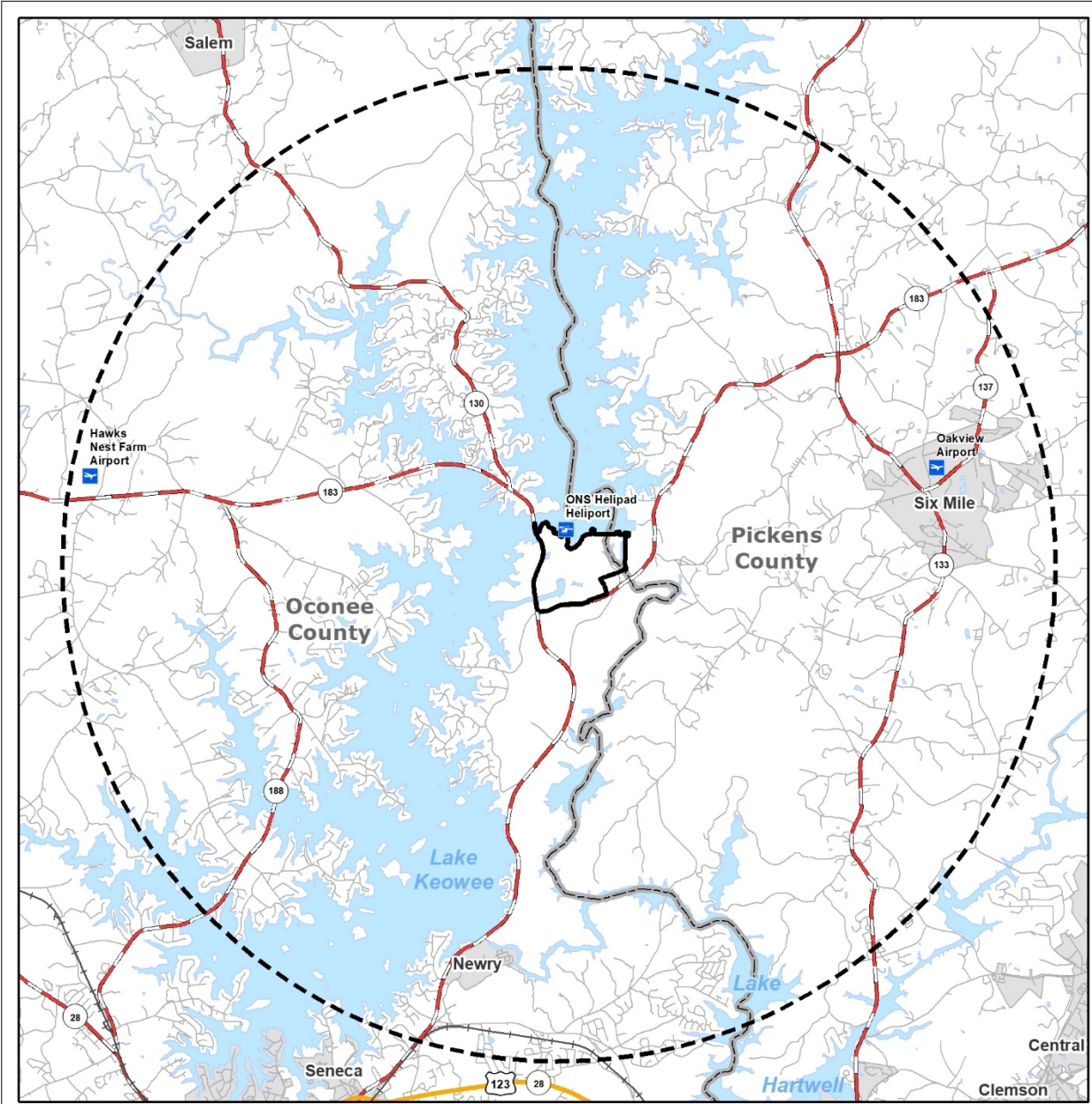
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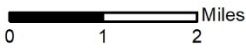
OFFICE	NMSS/REFS	NMSS/REFS	NMSS/REFS	OGC	NMSS/REFS
NAME	RHoffman	AWalker-Smith	LRakovan	MFWoods	TSmith
DATE	03/03/2023	03/13/2023	03/13/2023	03/14/2023	03/15/2023

Oconee Site Area Map



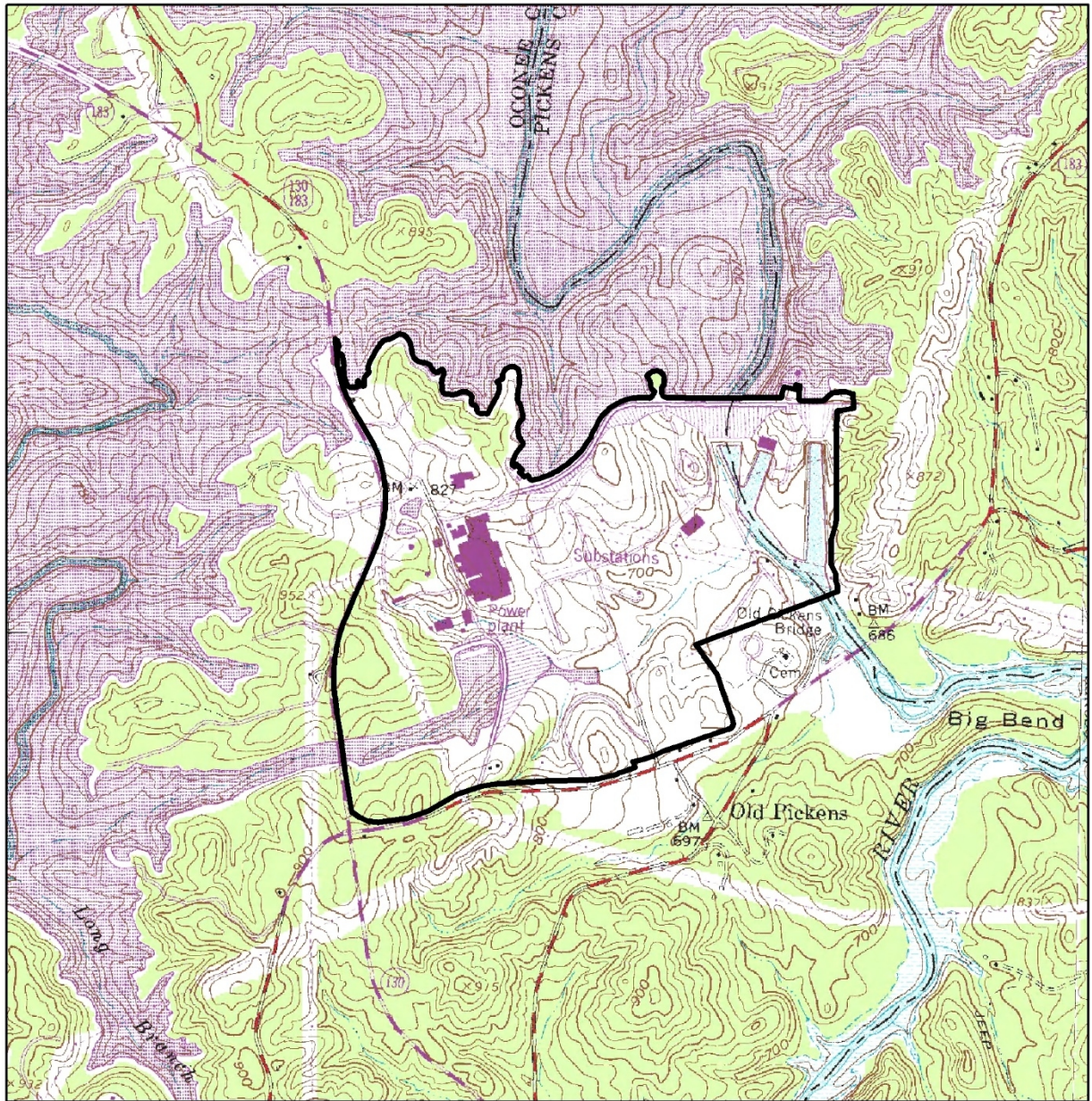
Legend

- Airport
- Heliport
- U.S. Route
- State Highway
- Local Road
- Railroad
- Surface Water
- ONS Site
- 6-Mile Radius
- Place
- County



Source: ONS Environmental Report

Oconee Site Boundary



Legend
[Purple outline] ONS Site



Source: ONS
Environmental Report

