

Bartley, Jonathan

From: Bartley, Jonathan
Sent: Monday, August 06, 2012 3:15 PM
To: Jones, William; Croteau, Rick
Subject: FW: NRR's draft reply to Duke's letter of 6/14/12 on Oconee flooding
Attachments: ME7970 Oconee letter2 (QUO).docx

Importance: High

Nancy, John, and I discussed 3 options for responding to the 2 questions in the last RAI response (does the Flood SE satisfy the requirements of the Fukushima 50.54(f) re-evaluation and if not, will the CAL be closed to the Fukushima 50.54(f)) and modifying the CAL. The answer to both of these has been determined to be no.

There are 3 options:

1. NRR issue the response to the 2 questions, licensee submit letter to modify CAL, close CAL to Fukushima orders
2. NRR issue the response to the 2 questions, Region II modify CAL, close CAL to Fukushima orders
3. NRR issue the response to the 2 questions with CAL modification, close CAL to Fukushima orders

NRR is leaning towards option 1. I told Nancy and John we were leaning towards option 3 but option 1 would work as well. The attached letter is a first draft for option 1. NRR will be asking for Vic's concurrence on this letter if we move forward with option 1.

Oconee provided NRR a draft letter to modify the CAL (I have it). They propose to complete the updated flooding hazard re-evaluation report by March 12, 2013 (per Category 1 timeline) which is reasonable. However, they also propose completing the integrated assessment report by March 2015 and submitting a list of proposed modifications and an implementation schedule by August 2015. Initial staff response is that these are not reasonable, specifically the modifications, as related to dam failure. For dam failure these are essentially complete and may just need adjustment if the flood level changes due to the flooding hazard re-evaluation. These timelines would be reasonable for newly identified issues such as PMP flooding on-site.

I think it would be reasonable to modify the due date for completion of the modifications to relate it to completion of the flood hazard re-evaluation and maybe add a couple of months to allow revising proposed modifications if onsite flood levels change. The CAL currently says 30 months + regulatory review period (RRP) after resolution of all RAI's for CAL 2-10-003. Maybe revise to be 33 months + RRP starting March 13, 2012.

We will need to discuss with OCO prior to modifying the CAL (either them or us).

I plan to brief Vic on this tomorrow morning during the pre-brief for the Oconee drop-in.

Jonathan

From: Boska, John
Sent: Monday, August 06, 2012 10:23 AM
To: Bartley, Jonathan
Subject: NRR's draft reply to Duke's letter of 6/14/12 on Oconee flooding
Importance: High

Jonathan, attached is our current draft reply. Duke's letter is ML12167A372. This is option 1 on my options paper. Eric Leeds has seen it but has not made a final decision. Victor McCree will be asked to concur. Please let me know if you have any comments. If you have no comments, please circulate it at the Region to see if there are any comments. Thanks.

John Boska

Oconee Project Manager, NRR/DORL
U.S. Nuclear Regulatory Commission
301-415-2901
email: john.boska@nrc.gov

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Mr. Preston Gillespie
Site Vice President
Oconee Nuclear Station
Duke Energy Carolinas, LLC
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: OCONEE NUCLEAR STATION, UNITS 1, 2, AND 3 – RESPONSE TO
QUESTIONS REGARDING MODIFICATIONS TO ADDRESS EXTERNAL
FLOODING CONCERNS (TAC NOS. ME7970, ME7971, AND ME7972)

Dear Mr. Gillespie:

By letter dated June 22, 2010, the U.S. Nuclear Regulatory Commission (NRC) issued a confirmatory action letter (CAL) to Duke Energy Carolinas, LLC (Duke, the licensee), associated with the mitigation of external flooding hazards at the Oconee Nuclear Station, Units 1, 2, and 3 (ONS) site, resulting from a postulated failure of the Jocassee Dam. By letter dated May 15, 2012, the NRC transmitted a request for additional information (RAI) on your responses to the CAL.

By letter dated June 14, 2012, you provided the requested information to the NRC. You also included two questions with your response. The NRC staff has reviewed your RAI responses in Attachment 1 to your June 14, 2012, submittal, including the supporting information in Attachment 2 to the submittal. These RAIs requested you to provide (1) the codes and standards to be used in the design of the new flood walls and (2) the seismic design criteria contained in these codes and standards. The RAI responses included information regarding the codes and standards to be used in the design and construction of the following structures related to the ONS external flooding mitigation strategy: the mechanically stabilized earth (MSE) wall, cast-in-place concrete T-wall, jet grout, sheet pile wall and flood wall gates. These RAI responses also include a detailed description of the seismic design criteria to be applied to each of the aforementioned structures. It is noted in your RAI responses that for structures and supports within the jurisdiction of the Federal Energy Regulatory Commission (FERC), the design and construction of these structures and supports will be performed in accordance with FERC-accepted codes and standards. The NRC staff notes that the Jocassee and Keowee Dams, the failure of which have been used in developing the ONS external flooding mitigation strategy, are licensed and regulated by FERC.

The NRC staff has previously recognized the jurisdictional boundaries of FERC and the Army Corp of Engineers (ACE) in the area of dam safety. Notably, the NRC staff's resolution of License Renewal Issue No. 98-0100, "Crediting FERC-Required Inspection and Maintenance Programs for Dam Aging Management," concluded that the use of FERC and ACE programs for aging management of dams under the jurisdiction of these bodies provided an acceptable means to satisfy the requirements of the license renewal rule. While License Renewal Issue No. 98-0100

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only explicitly addresses dam inspection issues, the resolution of this issue conveyed the NRC staff's position that the expertise in dam safety, including construction, maintenance, inspection and regulation, lies with FERC and the ACE. As such, the NRC staff finds it acceptable that structures or support for the structures within the jurisdiction of FERC and ACE will be designed and constructed in accordance with FERC-accepted codes and standards, given that this is consistent with previous NRC positions regarding dam safety. The NRC staff also notes that a review of the codes and standards related to the structural design of the aforementioned structures indicates that these codes and standards provide an adequate means to ensure that these structures are designed to withstand loads resulting from both an Operating Basis Earthquake (OBE) and Maximum Design Earthquake (MDE), as these are defined within the FERC-accepted standards.

In your response you also asked the following two questions associated with the request for information (RFI) the NRC issued under 10 CFR 50.54(f) on March 12, 2012, regarding actions to address the Fukushima event:

1. Will the January 28, 2011, Safety Evaluation (SE) satisfy the requirements of the 10 CFR 50.54(f) "Recommendation 2.1: Flooding", as the Hazard Reevaluation Report for the site with no further flooding evaluations required?
2. If the January 28, 2011, Safety Evaluation does not satisfy "Recommendation 2.1: Flooding" as the Hazard Reevaluation Report for the site, will the June 22, 2010, Confirmatory Action Letter be closed by the NRC to the March 12, 2012, NRC Request for Information 10 CFR 50.54(f) Regarding Recommendation 2.1?

Our response is that the The NRC's January 28, 2011, SE on the bounding flood at the Oconee site due to failure of the Jocassee Dam will not fully satisfy Recommendation 2.1 of the NRC's RFI dated March 12, 2012. Other analyses are also required under Recommendation 2.1. However, if your review using the standards of the RFI indicate that the Jocassee Dam will not fail due to overtopping or seismic failure, then the NRC will accept the January 28, 2011, SE as defining the bounding flood at the Oconee site due to dam failure.

The NRC intends to maintain the CAL dated June 22, 2010, active until it can be superseded by regulatory action related to the Fukushima responses. The NRC staff ~~notes~~ notes-understands that our acceptance in this letter of the FERC standards initiates the timeline to have your flood walls installed in 30 months plus the regulatory review period, which was committed to in your letter dated October 17, 2011. However, with consideration for the additional task of submitting the flooding hazard evaluation report required by the RFI letter by March 12, 2013, if you feel the need to request additional time please submit your request and we will consider it.

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P. Gillespie

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If you have any questions, please call John Boska at 301-415-2901.

Sincerely,

Michele G. Evans, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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

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P. Gillespie

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If you have any questions, please call John Boska at 301-415-2901.

Sincerely,

Michele G. Evans, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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

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