

July 6, 2001

Mr. W.R. McCollum, Jr.
Site Vice President
Duke Energy Corporation
Oconee Nuclear Site
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: EXEMPTION FROM 10 CFR 72.212 AND 72.214, DOCKET NO. 72-40,
REGARDING FUEL SPECIFICATIONS IN CERTIFICATE OF COMPLIANCE
NO. 72-1004 (TAC NO. L23332)

Dear Mr. McCollum:

This is in response to your June 8, 2001, letter requesting an exemption to 10 CFR 72.212(a)(2) and 72.214, pursuant to 10 CFR 72.7. In your letter, you requested an exemption from the conditions in Certificate of Compliance (CoC) No. 1004 for the NUHOMS®-24P storage system, listed in 10 CFR 72.214, to allow the storage of Babcock and Wilcox (B&W) 15x15 spent nuclear fuel assemblies with a "nominal" fuel assembly width of 8.536 inches at the Oconee Nuclear Site Independent Spent Fuel Storage Installation (ISFSI).

We understand that Duke Energy Corporation (Duke) has an imminent need to reduce the inventory of spent nuclear fuel assemblies stored in the spent fuel storage pools at the Oconee Nuclear Site prior to upcoming refueling outages. Specifically, Duke must load additional B&W spent fuel assemblies into the ISFSI to accommodate a number of planned and potential refueling activities scheduled for later in 2001 that require empty spent fuel pool storage locations. However, Amendment 2 to CoC No. 1004, which became effective on September 5, 2000, currently precludes further loading of previously approved fuel assemblies into the ISFSI, due to a more restrictive "maximum" assembly width specification.

On June 8, 2001, Transnuclear West Inc. (TN West), the certificate holder, submitted a revised amendment request for CoC No. 1004 to correct the more restrictive "maximum" assembly width specification listed in the fuel specification tables; Tables 1-1a and 1-1b of the Technical Specifications (TS) for the Standardized NUHOMS® storage system. The NRC staff will address the proposed changes to the CoC in conjunction with its ongoing review of the amendment request previously submitted by TN West on February 23, 2001. However, the staff's review and final action on that pending amendment request will not be completed on a schedule consistent with Duke's stated need for the Oconee Nuclear Site; thus you have requested that an exemption be granted by July 9, 2001.

Amendment 2 revised the fuel qualification tables in the TS to allow for the storage of higher burnup fuel and burnable poison rod assemblies. These proposed changes were requested in letters from VECTRA (the previous certificate holder for CoC No. 1004) and TN West, dated February 16, 1996, and July 26, 1999, as supplemented. Prior to issuance of Amendment 2, one of the physical parameters listed in the fuel qualification tables of the TS (Tables 1-1a and

1-1b) for CoC No. 1004 was "Nominal Cross-Sectional Envelope." The corresponding specification stated, "See SAR Chapter 3." During the staff's review of the amendment request, it was determined that the actual values for these parameters, as stated in the SAR, should be specified in the TS. These values are 8.536 inches for pressurized water reactor fuel and 5.454 inches for boiling water reactor fuel. However, the specific values of these parameters in TS Tables 1-1a and 1-1b, the titles of these parameters were incorrectly specified as "Maximum Assembly Width (unirradiated)." The staff has reviewed the technical and safety bases supporting the approval of Amendment 2 and has determined that the maximum fuel assembly widths are not critical values affecting the basis for the safety analysis. The original certificate and Amendment 1 to CoC No. 1004 approved by the NRC specified the nominal fuel assembly width, and the design of the B&W 15x15 fuel has not been altered with respect to that dimension. Also, neither the applicant nor the staff sought to impose additional restrictions or conditions on previously approved fuel types as part of the review and approval of Amendment 2. Therefore, the staff finds that there is an adequate safety basis for granting the requested exemption to allow the storage of additional B&W 15x15 spent fuel assemblies with a nominal width of 8.536 inches at the Oconee Nuclear Site ISFSI in accordance with CoC No. 1004.

The NRC staff evaluated the public health and safety and environmental impacts of the proposed exemption and determined that granting the exemption would not result in any significant impacts. For this action, an Environmental Assessment and Finding of No Significant Impact has been prepared and published in the Federal Register (66 FR 35468, dated July 5, 2001). A copy of the Federal Register Notice was provided to you by letter dated June 29, 2001.

Based on the foregoing considerations, the staff has determined that granting the proposed exemption from the provisions of 10 CFR 72.212(a)(2) and 72.214, to permit loading of B&W spent fuel with a nominal width of 8.536 inches in the NUHOMS®-24P storage system, is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Duke is hereby granted this exemption with the condition that fuel loaded in the Standardized NUHOMS®-24P storage system at the Oconee Nuclear Site must be in accordance with all conditions and technical specifications in the current Standardized NUHOMS®-24P CoC, with the exceptions and additional conditions noted below:

- 1) The "Maximum Assembly Width (unirradiated)," specified in Table 1-1a of CoC No. 1004 shall not apply to the loading of B&W 15x15 fuel. The nominal cross-sectional envelope for all B&W 15x15 fuel to be loaded into the Oconee ISFSI shall be 8.536 inches.
- 2) Spent fuel may be loaded under this exemption as specified until issuance of a revision to CoC No. 1004 corrects or otherwise modifies the subject Technical Specification.

W.R. McCollum, Jr.

-3-

- 3) Duke must perform the 10 CFR 72.212 evaluations in accordance with the terms of the general license provisions of 10 CFR Part 72, Subpart K, prior to loading any NUHOMS®-24P storage systems.
- 4) Duke must inform NRC, within 30 days, if any of the conditions of this exemption cannot be met.

If you have any questions, please contact Mr. James R. Hall of my staff at 301-415-1336. Any future correspondence related to this action should reference Docket No. 72-40 and TAC No. L23332.

Sincerely,
/RA/ original signed by /s/
E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 72-40, (50-269,-270,-287)

cc: Robert Grenier, President
Transnuclear West Inc.

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W.R. McCollum, Jr.

-3-

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