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State Historic Preservation Office
ER 20-0129

From: Coflin, Monika
To: DCR - Environmental Review
Cc: Chen, Yen-Ju
Subject: [External] Exemption Request McGuire Nuclear Facility
Date: Tuesday, January 7, 2020 11:18:52 AM

**Exemption approved by RGE,
1/14/2020**

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Dear Ms. Gladhill-Earley,

In reference to our phone call on December 31, 2019, the U.S. Nuclear Regulatory Commission (NRC) received, by letter dated September 12, 2019, a request for a one-time exemption, from Duke Energy Carolinas, LLC (Duke Energy) in accordance with Title 10 of the Code of Federal Regulations (10 CFR) 72.7, from the requirements of 10 CFR 72.212(b)(3), 72.212(b)(5)(i), and 72.212(b)(11) that requires compliance with the terms, conditions, and specifications of the Certificate of Compliance (CoC) No. 1031 for spent nuclear fuel storage at the McGuire Nuclear Station (MNS) independent spent fuel storage installation (or ISFSI). MNS is located in Huntersville, North Carolina, in Mecklenburg County. The CoC is the NRC-approved design for each dry storage cask system used for spent fuel storage.

This exemption request is due to non-compliance with the terms and conditions of the NAC MAGNASTOR Cask OFCTKN045 at the time of cask loading at the MNS ISFSI. The cask helium density within MAGNASTOR Cask OFCTKN045 exceeded the helium density range presented in MAGNASTOR Technical Specification (TS) 3.1.1., Table A3-1, prior to transport operations. In addition, the corresponding Required Actions and Completion Times of TS 3.1.1 were not performed while in the Applicability, which is prior to transport operations. The licensee has stated that the structural integrity of NAC MAGNASTOR Cask OFCTKN045 can be reasonably assured even though the helium backfill density exceeded the helium density range presented in MAGNASTOR TS 3.1.1, Table A3-1, prior to transport operations.

As established in Title 10 *Code of Federal Regulations* Part 51, the NRC regulation that implements the National Environmental Policy Act of 1969, as amended, the NRC is preparing an environmental assessment (EA) for the proposed action. The purpose of the EA is to assess potential environmental impacts that may significantly affect the human environment. The EA will include an analysis of potential impacts to historic and cultural resources.

Duke Energy communicated with the North Carolina State Historic Preservation Office (SHPO) during the license renewal review in 2000 regarding the potential impacts of continued operation of McGuire Nuclear Station. As described in the supplemental environmental impact statement for the McGuire license renewal review, the North Carolina SHPO stated that the extension of the operating license was not an undertaking likely to affect historic properties. This communication is referenced in the MNS license renewal SEIS, which can be found online at: <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437/supplement8/>

The requested exemption request, if granted, would not alter the fundamental design, components, or safety features of the dry cask storage system. The NRC staff evaluated the potential safety impacts of granting the exemption and assessed the potential for any danger to life or property or the common defense and security. Specifically, the NRC staff reviewed the structural, thermal, and confinement evaluations for the proposed action. The exemption would not authorize new construction or land-disturbing activities. Therefore, there is no direct nexus to the natural

environment that could affect historic or cultural resources. The NRC staff, therefore, concludes that the proposed exemption request would have no effect on historic and cultural properties. Federal agencies have no further obligation under Section 106 if the undertaking does not have the potential to cause effects on historic properties, however, the NRC is sending this letter to inform the North Carolina SHPO of our “no effects” determination.

The exemption request is publicly available from the NRC’s Agencywide Documents Access and Management System (ADAMS), accessible at: <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS Accession Number for the exemption request is ML19270E395. If you have any questions, please contact me.

Monika Coflin, CISSP

Project Manager

NMSS/REFS/ERMB

Nuclear Regulatory Commission

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