

October 27, 1981

Docket No. 50-369

Mr. William O. Parker, Jr.
Vice President, Steam Production
Duke Power Company
P.O. Box 2178
422 South Church Street
Charlotte, North Carolina 28242

Dear Mr. Parker:

SUBJECT: Issuance of Amendment No. 8 to Facility Operating License
NPF-9 - McGuire Nuclear Station, Unit 1

Pursuant to the Decision dated August 10, 1981, of the Commission's Atomic Safety and Licensing Appeal Board, and your letter dated September 15, 1981, the Commission has issued the enclosed Amendment No. 8 to Facility Operating License No. NPF-9 for the McGuire Nuclear Station, Unit No. 1. This amendment is effective immediately and consists of license conditions and Technical Specification changes to authorize Duke Power Company to receive, possess and store at McGuire Nuclear Station, Unit No. 1 300 irradiated fuel assemblies generated at the Oconee Nuclear Station.

A copy of the related Notice of Issuance which has been forwarded to the Office of the Federal Register for publication is also enclosed.

Sincerely,

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Elinor G. Adensam, Acting Chief
Licensing Branch No. 4
Division of Licensing

Enclosures:

1. Amendment No. 8 to Facility Operating License NPF-9
2. Federal Register Notice

cc w/encl:
See attached list

copy

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~~*NOTE: SEE PREVIOUS WHITE FOR CONCURRENCE~~

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DATE	9/1/81	9/1/81	9/1/81				

McGuire

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Vice President - Steam Production
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cc: Mr. W. L. Porter
Mr. A. Carr
Duke Power Company
P.O. Box 2178
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Charlotte, North Carolina 282842

Mr. R. S. Howard
Power Systems Division
Westinghouse Electric Corp.
P.O. Box 355
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Mr. E. J. Keith
EDS Nuclear Incorporated
220 Montgomery Street
San Francisco, California 94104

Mr. J. E. Houghtaling
NUS Corporation
2536 Countryside Boulevard
Clearwater, Florida 33515

Mr. Jesse L. Riley, President
The Carolina Environmental Study Group
854 Henley Place
Charlotte, North Carolina 28207

J. Michael McGarry, III, Esq.
DeBevoise & Liberman
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Washington, D. C. 20036

Mr. M. J. Graham
Resident Inspector McGuire NPS
c/o U.S. Nuclear Regulatory Commission
P.O. Box 216
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Shelley Blum, Esq.
1402 Nickers Avenue
Durham, North Carolina 27707

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Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. John H. Buck, Administrative
Judge
Atomic Safety and Licensing Appeal
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U.S. Nuclear Regulatory Commission
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Christine N. Kohl, Administrative
Judge
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Marshall E. Miller, Administrative
Judge
Atomic Safety and Licensing Board
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Dr. Cadet H. Hand, Jr.,
Administrative Judge
Bodega Marine Laboratory
University of California
P.O. Box 247
Bodega Bay, California 94923

Dr. Emmeth A. Luebke, Administrative
Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

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SURNAME ▶
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Mr. William O. Parker, Jr.

- 2 -

October 27, 1981

cc: Attorney General
Department of Justice
Justice Building
Raleigh, North Carolina 27602

Office of Intergovernmental Relations
116 West Jones Street
Raleigh, North Carolina 27603

County Manager of Mecklenburg County
720 East Fourth Street
Charlotte, North Carolina 28202

Mr. Bruce Blanchard
Environmental Projects Review
Department of the Interior
Room 4256
18th and C Street, N.W.
Washington, D. C. 20240

U.S. Environmental Protection Agency
ATTN: Ms. Elizabeth V. Jankus
Office of Environmental Review
Room 2119 M, A-104
401 M Street, S.W.
Washington, D. C. 20460

Director, Criteria and Standards Div.
Office of Radiation Programs
(ANR-460)
U.S. Environmental Protection Agency
Washington, D. C. 20460

EIS Coordinator
U.S. Environmental Protection Agency
Region IV Office
345 Courtland Street, N.E.
Atlanta, Georgia 30308

Chairman, North Carolina
Utilities Commission
430 North Salisbury Street
Dobbs Building
Raleigh, North Carolina 27602

Dr. John N. Barry
Department of Environmental Health
Mecklenburg County
1200 Blythe Boulevard
Charlotte, North Carolina 28203

Mr. David E. Smith
City of Charlotte
Legal Department
600 E Trade Street
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Charlotte, North Carolina 28211

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DUKE POWER COMPANY

DOCKET NO. 50-369

MCGUIRE NUCLEAR STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 8
License No. NPF-9

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Special Nuclear Materials License SNM-1773 filed by the Duke Power Company (licensee) on March 9, 1978, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations as set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the license, as amended, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, Facility Operating License NPF-9 is amended by the following changes:
 - A. Add paragraph 2.K. to read:
 - K. The licensee is authorized to receive from the Oconee Nuclear Station, Units 1,2 and 3, possess, and store irradiated Oconee fuel assemblies containing special nuclear material, enriched to not more than 3.24% by weight U-235 subject to the following conditions:
 - a. Oconee fuel assemblies may not be placed in the McGuire Nuclear Station, Unit 1 and 2, reactors.

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- b. Irradiated fuel shipped to McGuire Unit 1 from Oconee shall have been removed from the Oconee reactor no less than 270 days prior to shipment.
- c. No more than 300 Oconee irradiated fuel assemblies shall be received for storage at the McGuire Unit 1 spent fuel pool.
- d. Burnup of Oconee fuel shipped shall be no greater than 36,000 MW days per metric ton.
- e. Receipt of irradiated Oconee fuel shall be limited by the use of the NFS-4 (NAC-1) or NLI-1/2 spent fuel casks.
- f. The spent fuel pool crane travel shall be restricted by administrative controls to the paths required by Technical Specification 3/4 9.7 whenever a spent fuel cask is being handled.

B. Change the designation of paragraph 2.J. on page 19 to 2.L.

C. The Technical Specifications are changed as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-9 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 8, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

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Darrell G. Eisenhut, Director
 Division of Licensing
 Office of Nuclear Reactor Regulation

Attachment:
 Appendix A Technical Specification
 Changes

Date of Issuance: October 27, 1981

*NOTE: SEE PREVIOUS WHITE FOR CONCURRENCE

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- b. Irradiated fuel shipped to McGuire Unit 1 from Oconee shall have been removed from the Oconee reactor no less than 270 days prior to shipment.
- c. No more than 300 Oconee irradiated fuel assemblies shall be received for storage at the McGuire Unit 1 spent fuel pool.
- d. Burnup of Oconee fuel shipped shall be no greater than 36,000 MW days per metric ton.
- e. Receipt of irradiated Oconee fuel shall be limited by the use of the NFS-4 (NAC-1) or NLI-1/2 spent fuel casks. The spent fuel pool crane travel shall be restricted by administrative controls to the paths required by Technical Specification 3/4 9.7 whenever a spent fuel cask is being handled.
- f. Prior to spent fuel cask movement at McGuire, McGuire spent fuel stored in the first 17 rows of the McGuire Unit 1 spent fuel pool, closest to the spent fuel cask handling area, shall be decayed a minimum of 45 days.

B. Change the designation of paragraph 2.J. on page 19 to 2.L.

C. The Technical Specifications are changed as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-9 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. , are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Darrell G. Eisenhut, Director
 Division of Licensing
 Office of Nuclear Reactor Regulation

Attachment:
 Appendix A Technical Specification
 Changes

Date of Issuance:

*NOTE: SEE PREVIOUS WHITE FOR CONCURRENCE

OFFICE	LA:DL:LB.#4	DL:LB.#4	OELD ^{B.K.} 9/1	DL:LB.#4	AD:L/DL	DIR/DL	
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DATE	8/27/81	8/27/81	8/27/81	9/ /81	9/ /81	9/ /81	

ATTACHMENT TO LICENSE AMENDMENT NO. 8

FACILITY OPERATING LICENSE NO. NPF-9

DOCKET NO. 50-369

Replace the following pages of the Appendix "A" Technical Specifications with the enclosed pages. The revised pages are identified by Amendment number and contain vertical lines indicating the area of change. The corresponding overleaf pages are also provided to maintain document completeness.

Overleaf
Page

3/4 9-7

Amended
Page

3/4 9-8
3/4 9-8a

license amendment. Notice of Opportunity for Public Participation in Proposed NRC Licensing Action for Amendment to Materials License SNM-1773 for Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station was published in the Federal Register on July 28, 1978 (43 FR 32905).

Requests for hearing filed by Carolina Environmental Study Group (CESG), Carolina Action (CA), Safe Energy Alliance (SEA), Davidson College Chapter of the North Carolina Public Interest Research Group (PIRG), and Natural Resources Defense Council (NRDC) were granted. In addition, the State of South Carolina was granted leave to participate as an interested state. CA, SEA, and PIRG were later dismissed from the proceeding.

Hearings were held in Charlotte, North Carolina, on June 19-23, 1979; June 25-29, 1979; August 6-9, 1979; in Bethesda, Maryland, on September 10-13, 1979; and in Charlotte, North Carolina, on April 28-29, 1980. On October 31, 1980, the Atomic Safety and Licensing Board issued an Initial Decision denying the application for amendment. Both the Duke Power Company and the Commission staff appealed the decision. On August 10, 1981, the Atomic Safety and Licensing Appeal Board reversed the decision of the Licensing Board and authorized issuance of a license amendment.

In connection with issuance of this amendment the Commission issued an Environmental Impact Appraisal and Negative Declaration which was published in the Federal Register on December 29, 1978 (43 FR 61057). A Safety Evaluation was prepared in January 1979.

For further details with respect to this action, see (1) the application for amendment dated March 9, 1978; (2) Amendment No. 8 to License No. NPF-9; (3) the Initial Decision of the Atomic Safety and Licensing Board dated October 31, 1980;

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(4) the Decision of the Atomic Safety and Licensing Appeal Board dated August 10, 1981; (5) the related Safety Evaluation Report dated January 1979; and (6) the Commission's Negative Declaration dated December 29, 1978, and the associated Environmental Impact Appraisal.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of Amendment No. may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of October 1981.

FOR THE NUCLEAR REGULATORY COMMISSION

5/

Elinor G. Adensam, Acting Chief
Licensing Branch No. 4
Division of Licensing

8/27/81
*NOTE: SEE PREVIOUS WHITE FOR CONCURRENCE

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UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-369

DUKE POWER COMPANY

NOTICE OF ISSUANCE OF AMENDMENT TO

FACILITY OPERATING LICENSE NO. NPF-9

The U.S. Nuclear Regulatory Commission (the Commission), pursuant to the Decision dated August 10, 1981, of the Atomic Safety and Licensing Appeal Board, has issued Amendment No. to Facility Operating License No. NPF-9 to the Duke Power Company for its McGuire Nuclear Station, Unit 1. The license amendment authorizes Duke Power Company to receive and store at its McGuire Nuclear Station 300 irradiated fuel assemblies generated at its Oconee Nuclear Station. The McGuire Nuclear Station, Unit 1, is a pressurized water reactor located near Charlotte in Mecklenburg County, North Carolina. This amendment is effective as of its date of issuance.

The Decision by the Atomic Safety and Licensing Appeal Board may be reviewed by the Commission.

The application for this licensing action was filed as a request for amendment to Special Nuclear Materials License SNM-1773. Subsequent to that request, Facility Operating License No. NPF-9, which incorporated the requirements of SNM-1773, was issued.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the

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license amendment. Notice of Opportunity for Public Participation in Proposed NRC Licensing Action for Amendment to Materials License SMI-1773 for Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station was published in the Federal Register on July 28, 1978 (43 FR 32905).

Requests for hearing filed by Carolina Environmental Study Group (CESG), Carolina Action (CA), Safe Energy Alliance (SEA), Davidson College Chapter of the North Carolina Public Interest Research Group (PIRG), and Natural Resources Defense Council (NRDC) were granted. In addition, the State of South Carolina was granted leave to participate as an interested state. CA, SEA, and PIRG were later dismissed from the proceeding.

Hearings were held in Charlotte, North Carolina, on June ¹⁹⁻23, 1979; June 25-29, 1979; August 6-9, 1979; in Bethesda, Maryland, on September 10-13, 1979; and in Charlotte, North Carolina, on April 28-29, 19⁸⁰~~79~~. On October 31, 1980, the Atomic Safety and Licensing Board issued an Initial Decision denying the application for amendment. Both the Duke Power Company and the Commission staff appealed the decision. On August 10, 1981, the Atomic Safety and Licensing Appeal Board reversed the decision of the Licensing Board and authorized issuance of a license amendment.

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All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Bethesda, Maryland, this day of

FOR THE NUCLEAR REGULATORY COMMISSION

Elinor G. Adensan, Acting Chief
Licensing Branch No. 4
Division of Licensing

*E.G. - see comment
interim report*

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DATE ▶	8/27/81	8/27/81	8/27/81	8/ /81			

October 27, 1981

AMENDMENT NO. 8 TO
FACILITY OPERATING LICENSE NPF-9 - McGUIRE NUCLEAR STATION, UNIT NO. 1

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✓ Docket No. 50-369
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NRC PDR
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