

Docket Nos.: 50-369
and 50-370

Mr. H. B. Tucker, Vice President
Nuclear Production Department
Duke Power Company
422 South Church Street
Charlotte, North Carolina 28242

22 MAY 1986

Dear Mr. Tucker:

Enclosed for your information is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" related to your March 20, 1986, request concerning use of Transnuclear, Inc., multiement spent fuel shipping casks TN-81 or TN-8L for receipt of irradiated Oconee fuel at McGuire.

The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

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B. J. Youngblood, Director
PWR Project Directorate #4
Division of PWR Licensing-A, NRR

Enclosure: As stated

cc w/enclosure:
See next page

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Mr. H. B. Tucker
Duke Power Company

McGuire Nuclear Station

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONDUKE POWER COMPANYDOCKET NOS. 50-369 AND 50-370

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The proposed amendments would expand subparagraph 2.K.e of Facility Operating License NPF-9 for Unit 1 and subparagraph 2.J.e of Facility Operating License NPF-17 for Unit 2 to authorize use of Transnuclear, Inc. multielement spent fuel shipping cask, Model Numbers TN-8 and TN-8L, for receipt of irradiated Oconee fuel. These subparagraphs of the licenses presently limit such receipt of Oconee spent fuel at McGuire to use of the NFS-4 (NAC-1) and NLI-1/2 casks, which are single-element casks. The new authorization would be in addition to existing authorized casks and would otherwise be subject to all existing requirements of license paragraphs 2.K (Unit 1) and 2.J (Unit 2). This change was requested in the licensee's application for amendment dated March 20, 1986.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

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The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant

increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

TN-8 and TN-8L are multielement truck casks which are physically capable of accommodating up to three PWR fuel assemblies. The two models have the same dimensions, but TN-8L is about one ton lighter than TN-8's forty tons because it has fewer external cooling fins and, hence, a lower maximum authorized heat load. These casks have received a Certificate of Compliance for radioactive materials packages, which was recently renewed by the Commission (Certificate No. 9015, Revision 12, expiration date January 31, 1991).

By letter dated March 20, 1986, the licensee notes that in order to maintain acceptable reserve spent fuel storage capacity (needed for potential full core off-loading, reload batch and upender access) in the shared Oconee Units 1 and 2 spent fuel pool, it is necessary to use a multielement spent fuel shipping cask. The licensee notes that in addition to maintaining the necessary shipment rate, multielement casks have the advantage of fewer shipments (and hence lower probability of adverse offsite impact), lower station manpower requirements and reduced total radiation exposure to personnel.

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards consideration and of actions likely to involve significant hazards considerations. The request involved in this case does not match any of those examples. However, the staff has reviewed the licensee's request for the above amendments and has determined that should this request be implemented, it would not (1) involve a significant increase

in the consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety for the following reasons.

The licensee's letter of March 20, 1986, includes cask drop evaluations for use of the TN-8 and TN-8L truck casks which demonstrate that results would be identical to those for the single-element cask drop. The new casks would not enter the spent fuel pool and would not cause significant structural damage or damage to any safety-related equipment. The requirements for obtaining a Certificate of Compliance, including those associated with offsite transportation accidents, impose more severe conditions on the cask and its contents than would be experienced during handling at the McGuire site. The fuel and cask would remain intact in the event of a dropped cask during handling at the McGuire site, and therefore the radiological consequences would be no more severe than those associated with use of the single-element casks. The licensee's evaluation also finds that use of the new casks is within the existing design capacities of the spent fuel cask handling and auxiliary cranes and lifting devices, including the guidelines of NUREG-0612, and does not require significant alteration of existing single-element cask handling procedures. Preliminary review by the Commission supports these findings by the licensee.

The Commission also finds that implementation of this request would not involve a significant increase in the probability of an accident previously evaluated. Previously evaluated cask accident causal mechanisms are not being changed by use of the new casks. Because the new casks require less manpower and handling and only one third as many shipments as the single-element casks for a given number of assemblies, the opportunity for and probability of an accident are significantly reduced.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555 and should cite the publication date and page number of this Federal Register notice. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, N. W., Washington, D. C.

By June 27, 1986 , the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person who interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitation in the order granting leave to intervene, and have the

opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination of the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch, or

may be delivered to the Commission's Public Document Room 1717 H Street, N. W., Washington, D. C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to B. J. Youngblood: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

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For further details with respect to this action, see the application for amendment which is 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 22 day of May 1986

FOR THE NUCLEAR REGULATORY COMMISSION

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Paul O'Connor, Acting Director
PWR Project Directorate #4
Division of PWR Licensing-A, NRR

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