



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 19, 2020

Mr. Thomas D. Ray, P.E.
Site Vice President
McGuire Nuclear Station
Duke Energy
12700 Hagers Ferry Road
Huntersville, NC 28078

SUBJECT: DUKE ENERGY ISSUANCE OF EXEMPTION—NAC MAGNASTOR® CASK
LOADED TO INCORRECT HELIUM BACKFILL DENSITY AT MCGUIRE
NUCLEAR STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION

Dear Mr. Ray:

This is in response to your letter dated September 12, 2019 (Agency-wide Documents Access and Management System (ADAMS) Accession Number No. ML19270E395), and supplemented on February 3, 2020 (ADAMS Accession No. ML20052D934), and June 15, 2020 (ADAMS Accession No. ML20178A548), requesting an exemption from the requirements of 10 CFR 72.212(b)(3), 72.212(b)(5)(i), and 72.212(b)(11), which require storage of spent nuclear fuel under a general license in dry storage casks approved under the provisions of 10 CFR Part 72, and compliance with the terms and conditions set forth in the certificate of compliance (CoC) for each dry storage spent fuel cask used by an independent spent fuel storage installation (ISFSI) general licensee.

Duke Energy identified that the helium density within NAC MAGNASTOR® Cask 0FCTKN045 exceeded the helium density range specified in CoC No. 1031, Amendment No. 7, Technical Specification (TS) 3.1.1, Table A3-1, prior to transport operations. In addition, the TS 3.1.1 corresponding "Required Actions and Completion Times" were not performed prior to transport operations, as specified. This constitutes a nonconformance with the terms, conditions, and specifications of MAGNASTOR® CoC No. 1031, Amendment No. 7. Duke Energy conducted an investigation and concluded, for all MAGNASTOR® modes of operation, that Cask 0FCTKN045 is in a safe configuration for continued operation. Therefore, Duke Energy requested an exemption to allow maintaining NAC MAGNASTOR® Cask 0FCTKN045 at McGuire Nuclear Station ISFSI in a storage condition where the helium density is above the range specified in CoC No. 1031, Amendment No. 7, TS 3.1.1.

The NRC staff reviewed Duke Energy's exemption request, and the evaluation of the review is included in the *Federal Register* notice (ADAMS Accession No. ML20199M306) issuing the decision. The NRC staff has determined that, pursuant to 10 CFR 72.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC is granting Entergy an exemption from the requirements in 10 CFR 72.212(b)(3), 72.212(b)(5)(i), and 72.212(b)(11) that require compliance with the terms, conditions, and specifications of the CoC. This exemption allows Duke Energy to maintain NAC MAGNASTOR® Cask 0FCTKN045 at McGuire Nuclear Station ISFSI in a storage condition where the helium density is above the range specified in CoC No.

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1031, Amendment No. 7, TS 3.1.1. This exemption is effective as of August 19, 2020, as indicated in the *Federal Register* notice (ADAMS Accession No. ML20199M306).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the publicly available records component of the NRC's document system, ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me at (301) 415-5722, or Yen-Ju Chen of my staff, at (301) 415-1018.

Sincerely,

John B. McKirgan, Chief
Storage and Transportation Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 72-1031, 50-369, and 50-370
CAC No.: 001028
EPID No.: L-2019-LLE-0024

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DATED: August 19, 2020

This letter closes EPID L-2019-LLE-0024.

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E. Miller, NRR

M. Markly, NRR

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* concur via email

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