



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

September 1, 2022

David Crowley, Chief  
Radiation Protection Section  
Division of Health Service Regulation  
NC Department of Health  
and Human Services  
5505 Creedmoor Rd, First Floor  
Raleigh, NC 27612

SUBJECT: REVIEW OF THE DRAFT ENVIRONMENTAL ASSESSMENT AND FINDING OF  
NO SIGNIFICANT IMPACT FOR BRUNSWICK STEAM ELECTRIC PLANT AND  
MCGUIRE NUCLEAR STATION INDEPENDENT SPENT FUEL STORAGE  
INSTALLATIONS DECOMMISSIONING FUNDING PLANS

Dear David Crowley:

By letters dated March 29, 2017 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML17088A701), April 1, 2019 (ADAMS Accession No. ML19091A079), and March 30, 2021 (ADAMS Accession No. ML21089A271), Duke Energy Progress, LLC and Duke Energy Carolinas, LLC [collectively, Duke Energy] submitted updated decommissioning funding plans (DFPs) for the Brunswick Steam Electric Plant (Brunswick), located in Southport, NC, and the McGuire Nuclear Station (McGuire), located in Huntersville, NC, Independent Spent Fuel Storage Installations (ISFSIs), for U.S. Nuclear Regulatory Commission (NRC) staff's review and approval. The NRC staff is currently reviewing the above updated DFPs submitted by Duke Energy. As part of the review process, we are seeking your consultation on the updated DFPs for the Brunswick and McGuire ISFSIs.

The NRC regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater than Class C Waste," govern the storage of spent nuclear fuel (spent fuel) generated at commercial nuclear power reactors licensed by the NRC. Spent fuel that has been removed from the reactor's spent fuel pool is typically stored at a nuclear power plant's ISFSI.

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2

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule amending its decommissioning planning regulations (76 Federal Register (FR) 35512). The final rule decommissioning planning regulations (76 *Federal Register* (FR) 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR Part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance (i.e., that funds will be available to decommission the ISFSI). The NRC staff is reviewing the information submitted by Duke Energy. Specifically, the NRC must determine whether Duke Energy DFPs contain the information required by 10 CFR 72.30(c), and whether Duke Energy has provided reasonable assurance that funds will be available to decommission Brunswick and McGuire ISFSIs.

In accordance with 10 CFR Part 51, which is the NRC regulations that implement the National Environmental Policy Act of 1969, as amended, the agency has prepared a separate draft environmental assessment (EA) for Brunswick and McGuire ISFSIs, respectively, for the proposed action (enclosed). We are providing your office with the opportunity to review the draft EAs and comment on environmental issues prior to the public issuance and publication of the EAs. We request that distribution and use of the enclosed draft EAs be limited only to those staff involved in the review and comment process.

Please submit any comments within 30 days from the date of this letter to the U.S. Nuclear Regulatory Commission, Document Control Desk, ATTN: Yoira Diaz-Sanabria, Mail Stop: TWFN 4B16, U.S. Nuclear Regulatory Commission, Washington, DC 20555. If you have any questions, please contact Tilda Liu of my staff by telephone at 404-997-4730, or by e-mail at [Tilda.Liu@nrc.gov](mailto:Tilda.Liu@nrc.gov). The NRC staff will consider your timely comments and will revise the EA, as appropriate, before its final issuance and publication. Thank you for your assistance.

Sincerely,



Signed by Diaz-Sanabria, Yoira  
on 09/01/22

Yoira K. Diaz-Sanabria, Chief  
Storage and Transportation Licensing Branch  
Division of Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos.: 72-06, 72-38  
License Nos.: SFGL-41, SFGL-11  
EPID Nos.: L-2017-FPR-0010, L-2017-FPR-0041

Enclosures:

1. Draft EA for Brunswick ISFSI
2. Draft EA for McGuire ISFSI

D. Crowley

3

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Consultation with State of North Carolina regarding Draft EA/FONSI for ISFSI Decommissioning Funding Plan Reviews DATE September 1, 2022

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