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BUCKET NUMBER
PROPOSED RULE **PR 71**
(65 FR 44360)

September 26, 2000

Secretary
U. S. Nuclear Regulatory Commission
Attn: Rulemaking and Adjudication Staff
Washington, DC 20555

Dear Sir or Madam:

Reference: Major Revision to 10 CFR 71: Compatibility with ST-1, The IAEA
Transportation Safety Standards, and Other Transportation Safety Issues, Issue
Paper, and Notice of Public Meetings, *Federal Register*, Volume 65, No. 137,
Monday, July 17, 2000.

The Rulemaking and Adjudication Staff of the U. S. Nuclear Regulatory Commission
(NRC) has requested comments on the referenced items published in the Federal Register
on July 17, 2000, with the comment period extending to September 30, 2000. The ASME
Subgroup on Containment Systems for Spent Fuel and High Level Waste Transport
Packagings (SG-NUPACK), reporting to Subcommittee III of the Board on Nuclear
Codes and Standards (BNCS), has reviewed these items, with the comments provided
below. In particular, these comments are directed toward Issue 14, Adoption of ASME
Code.

ASME, through its Council on Codes and Standards and BNCS, began an effort in the
late 1970's that has led to the development by SG NUPACK and publication in 1997 of
rules for construction of containment boundaries for spent nuclear fuel (SNF) and high-
level waste transport. These rules were issued as Division 3 of Section III of the ASME
Boiler & Pressure Vessel Code, and continue to evolve through the efforts of Subgroup
NUPACK. In particular, SG-NUPACK is currently completing work on a new
Subsection WC for Division 3 to cover containment/confinement boundaries for SNF dry
storage systems.

The consensus process used by ASME for almost 90 years to develop construction rules
for pressure-containing equipment hazardous to the public health and safety was also the
process used to develop Division 3 of Section III. In particular, that consensus process
has led to construction rules that prevent both ductile and potentially brittle modes of
failure for equipment, such as nuclear pressure vessels and SNF transport containment
boundaries, under both static and dynamic (impact) loading conditions. This consensus
process is in keeping with the requirements of Public Law 104-113, The National
Technology Transfer and Advancement Act of 1996.

Template = SECY-067

The American Society of Mechanical Engineers

SECY-02

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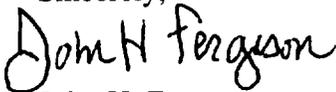
Therefore, ASME International supports the proposal by NRC staff to incorporate Section III, Division 3 of the ASME Boiler & Pressure Vessel Code by reference in 10 CFR 71 via rulemaking. In response to the first question posed by the NRC staff, ASME recommends that incorporation of the Code by reference in 10 CFR 71 rulemaking is the appropriate regulatory mechanism, following the precedent set by 10 CFR 50.55a rulemaking for the ASME Code Section III, Division 1. Two additional recommendations by ASME are related. First, similar to the process used for ASME Section III Nuclear Code Cases, the NRC staff may wish to consider issuance of regulatory guidance endorsing the use of Section III, Division 3 Code Cases. Second, upon the completion of Subsection WC (and the corresponding revisions to Subsection WA on General Requirements), incorporation of the revised Division 3 through 10 CFR Part 72 rulemaking may be appropriate.

SG-NUPACK and BNCS are unaware of any other voluntary consensus standards covering the complete range of construction activities for transportation package containment boundaries. It should be pointed out, however, that SG-NUPACK members also contribute to the preparation and modification of IAEA ST-1 requirements, thereby helping to harmonize ASME Code rules with other international standards covering similar components. Also, SG-NUPACK members contributed to the preparation of the advisory material contained in IAEA ST-2, some of which may eventually be codified directly into Division 3 or into related Code Cases.

We appreciate the opportunity to comment on Issue 14.

Thank you for your consideration.

Sincerely,



John H. Ferguson
Vice President
Nuclear Codes and Standards

cc: Naiem S. Tanious, NRC/NMSS
Members: BNCS